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CONSTITUTION

Adopted October
13, 1857.

OF THE

STATE OF MINNESOTA.

PREAMBLE.

WE, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings, and secure the same to ourselves and our posterity, do ordain and establish this Constitution:

Preamble.

ARTICLE I.—BILL OF RIGHTS.

SECTION 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it.

Objects of government.

SEC. 2. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Civil rights secured.

Slavery prohibited.

SEC. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Liberty of the press.

Right of trial by jury.

SEC. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases of law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

Excessive bail—cruel punishments.

SEC. 5. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

Criminal prosecutions—rights of accused.

SEC. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

Criminal prosecutions—rights of accused—bail—writ of habeas corpus.

SEC. 7. No person shall be held to answer for a criminal offense unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to [be] witness against himself, nor be deprived of life, liberty, or property, without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require.

Redress of injuries and wrongs.

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformable to the laws.

Treason against the state.

SEC. 9. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. The right of the people to be secure in their

persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

Rights of the people against unreasonable seizure and search.

SEC. 11. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Prohibition of laws *ex post facto*, or impairing the obligation of contracts.

SEC. 12. No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale, for the payment of any debt or liability: the amount of such exemption shall be determined by law.

Imprisonment for debt prohibited.

Exemption of property from seizure for debt.

SEC. 13. Private property shall not be taken for public use without just compensation therefor, first paid and secured.

Private property for public use.

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this state in time of peace.

Standing army prohibited.

SEC. 15. All lands within the state are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural lands for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

Lands declared allodial—leases, when void.

SEC. 16. The enumeration of rights in this constitution, shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any religious or ecclesiastical ministry against his consent; nor shall any control of, or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

Freedom of religious belief declared.

SEC. 17. No religious test or amount of property

No religious test
nor property
qualification for
office to be re-
quired.

shall ever be required as a qualification for any office of public trust under the state. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity, in consequence of his opinion upon the subject of religion.

ARTICLE II.—ON NAME AND BOUNDARIES.

Name.

Boundaries.

SECTION 1. This state shall be called and known by the name of the state of Minnesota, and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to wit: Beginning at the point in the centre of the main channel of the Red River of the North, where the boundary line between the United States and the British Possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux River; thence up the main channel of said river to Lake Traverse; thence up the centre of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake; thence through its centre to its outlet; thence by a due south line to the north line of the state of Iowa; thence east along the northern boundary of said state to the main channel of the Mississippi River; thence up the main channel of said river and following the boundary of the state of Wisconsin until the same intersects the St. Louis River; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British Possessions; thence up Pigeon River and following said dividing line to the place of beginning.

Jurisdiction on
the rivers.

SEC. 2. The state of Minnesota shall have concurrent jurisdiction on the Mississippi, and on all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state, and any other state or states now or hereafter to be formed by the same; and said river and waters, and navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said state as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. The propositions contained in the act of congress entitled "An act to authorize the people of the

territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on an equal footing with the original states," are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations congress may find necessary for securing the title to said soil to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

Acceptance of the propositions contained in the enabling act.

ARTICLE III.—DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government shall be divided into three distinct departments, legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

Powers of government.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

SECTION 1. The legislature of the state shall consist of a senate and house of representatives, who shall meet at the seat of government of the state, at such times as shall be prescribed by law; [but no session shall exceed the term of sixty days.]

Legislature of the state—clause in [] adopted Nov. 8, 1850.

SEC. 2. The number of members who compose the senate and house of representatives shall be prescribed by law, but the representation in the senate shall never exceed one member for every five thousand inhabitants, and in the house of representatives one member for every two thousand inhabitants. The representation in both houses shall be apportioned equally throughout the different portions of the state, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

Number of members—representation, how apportioned.

SEC. 3. Each house shall be the judge of the election returns, and eligibility of its own members; a majority of each shall constitute a quorum to transact business,

Election of members—quorum, what.

but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

Government of each house.

SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member; but no member shall be expelled a second time for the same offense.

Election of presiding officers.

SEC. 5. The house of representatives shall elect its presiding officer, and the senate and house of representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

Concerning adjournments.

SEC. 6. Neither house shall, during the session of the legislature, adjourn for more than three days, (Sundays excepted,) nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

Compensation of members.

SEC. 7. The compensation of senators and representatives shall be three dollars per diem during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing house of representatives may have been elected.

Privileges of members.

SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

Restrictions on members holding other offices.

SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States, or the state of Minnesota, except that of postmaster; and no senator or representative, shall hold any office under the state which had been created, or the emoluments of which had been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

Bills for revenue, originates where.

SEC. 10. All bills for raising a revenue shall originate in the house of representatives, but the senate may propose and concur with amendments as on other bills.

SEC. 11. Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house and the joint rules of the two houses, shall before it becomes a law be presented to the governor of the state. If he approve he shall sign and deposit it in the office of secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated, when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within three days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevent its return, in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the three last days of the session, and the same shall become a law.

Passage of bills—
how they may be-
come laws, by
governor's ap-
proval—notwith-
standing his veto
—by lapse of
time.

SEC. 12. No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses, (except such as relate to the business of adjournment of the same,) shall be presented to the governor for his signature, and before the same shall take effect shall be approved by him, or being returned by him with his objections, shall be re-passed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

Appropriations of
money, how
made.

SEC. 13. The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No laws shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

Enacting clause
of laws.

SEC. 14. The house of representatives shall have the

Impeachment. sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the senate; and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

Exclusion of criminals from political rights.

SEC. 15. The legislature shall have full power to exclude from the privilege of electing or being elected, any person convicted of bribery, perjury, or any other infamous crime.

Protest of members.

SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

Vacancies—contested seats.

SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

Punishment for breach of order.

SEC. 18. Each house may punish by imprisonment, during its session, any person not a member who shall be guilty of any disorderly or contemptuous behaviour in their presence; but no such imprisonment shall at any time exceed twenty-four hours.

Sessions shall be open.

SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

Reading of bills.

SEC. 20. Every bill shall be read on three different days in each separate house, unless in case of urgency two-thirds of the house where such bill is depending, shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length.

Enrolling and signing of bills.

SEC. 21. Every bill having passed both houses, shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses, shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the state; and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

Passage of bills on last day of session prohibited.

SEC. 23. The legislature shall provide by law for the enumeration of the inhabitants of this state in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

Census when taken, and apportionments made.

SEC. 24. The senators shall also be chosen by single districts of convenient contiguous territory, at the same time that the members of the house of representatives are required to be chosen, and in the same manner, and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in regular series, and the senators chosen by the districts designated by odd numbers shall go out of office at the expiration of the first year, and the senators chosen by the districts designated by even numbers shall go out of office at the expiration of the second year; and thereafter the senators shall be chosen for the the term of two years, except there shall be an entire new election of all the senators at the election next succeeding each new apportionment provided for in this article.

Election of Senators.

SEC. 25. Senators and representatives shall be qualified voters of the state, and shall have resided one year in the state and six months immediately preceding the election in the district from which they are elected.

Qualifications of members.

SEC. 26. Members of the senate of the United States from this state shall be elected by the two houses of the legislature in joint convention, at such times and in such manner as may be provided by law.

U. S. Senators.

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

Laws to embrace one subject.

SEC. 28. Divorces shall not be granted by the legislature.

Divorces.

Oath of office.

SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the state of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

Manner of voting.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

Lotteries prohibited.

SEC. 31. The legislature shall never authorize any lottery, or the sale of lottery tickets.

Sec. 32, a, adopted Nov. 8, 1871.

SEC. 32a. Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this state, or operating its road therein, or which may be hereafter organized, shall in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this state a certain per centage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall before the same shall take effect or be in force, be submitted to a vote of the people of the state, and be adopted and ratified by a majority of the electors of the state voting at the election at which the same shall be submitted to them.

Concerning taxation of railroad companies.

Sec. 32, b, adopted Nov. 8, 1872.

SEC. 32b. All lands donated to the state of Minnesota for the purpose of internal improvement, under the eighth section of the act of congress approved September fourth, eighteen hundred and forty-one, being "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisement and sale of the school lands, under the provisions of title one (1,) of chapter thirty-eight (38,) of the general statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of the said lands shall be invested in the bonds of the United States, or of the state of Minnesota, issued since 1860, and the moneys so invested shall constitute the internal improvement land fund of the state. All moneys received by the county treasurer under the provisions of title one (1,) chapter thirty-eight (38) aforesaid, derived

Internal improvement lands, how to be appraised and sold—proceeds invested, how.

from the sale of the internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer, all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written, "Minnesota internal improvement land fund of the state, transferable only on the order of the governor."

The principal sum from all sales of internal improvement lands, shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty (50,) of title one (1,) of chapter thirty-eight (38,) of the general statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read as applicable to this amendment, "internal improvement lands."

The moneys belonging to the internal improvement land fund shall not be appropriated for any purpose what-
Fund, how ap-
 propriated.

ever, until the enactment for that purpose shall have been approved by a majority of the electors of the state, voting at the annual general election following the passage of the act.

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment. ✓

ARTICLE V.—EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, who shall be chosen by the electors of the state.
Executive de-
 partment.

SEC. 2. The returns of every election for the officers named in the foregoing section, shall be made to the secretary of state, and by him transmitted to the speaker of the house of representatives, who shall cause the same to be opened and canvassed before both houses of the legislature, and the result declared within three days after each house shall be organized.
Returns of elec-
 tions.

SEC. 3. The term of office for the governor and lieu-

Governor and
Lieut. Governor,
term of office—
qualifications.

tenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the state for one year next preceding his election. Both shall be citizens of the United States.

Governor—his
duties.

SEC. 4. The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons after conviction, for offences against the state, except in cases of impeachment. He shall have power, by and with the advice and consent of the senate to appoint a state librarian and notaries public; and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the state. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

Other executive
officers—term of
office of—salaries.

SEC. 5. The official term of the secretary of state, treasurer and attorney general shall be two years. The official term of the auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The governor's salary for the first term under this constitution shall be two thousand five hundred dollars per annum. The salary of the secretary of state for the first term shall be fifteen hundred dollars per annum. The auditor, treasurer and attorney general shall, each, for the first term receive a salary of one thousand dollars per annum. And the further duties and salaries of said executive officers shall each thereafter be prescribed by law.

SEC. 6. The lieutenant governor shall be *ex-officio*

president of the senate; and in case a vacancy should occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a state senator. Before the close of each session of the senate, they shall elect a president *pro tempore*, who shall be lieutenant governor in case a vacancy should occur in that office.

Lieut. Governor
—his duties.

SEC. 7. The term of each of the executive officers named in this article, shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861, and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the state constitution, who have not already taken the oath of office, and commenced the performance of their official duties.

Amendment sec.
7, adopted April
13, 1858.

Commencement
of term of office.

SEC. 8. Each officer created by this article, shall, before entering upon his duties, take an oath or affirmation to support the constitution of the United States, and of this state, and faithfully discharge the duties of his office to the best of his judgment and ability.

Oath of office.

SEC. 9. Laws shall be passed at the first session of the legislature after the state is admitted into the Union, to carry out the provisions of this article.

Duties of legisla-
ture.

ARTICLE VI.—JUDICIARY.

SECTION 1. The judicial power of the state shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

Judicial power
of the state.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of the associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as

Supreme court.

the legislature may direct, at the seat of government, and the legislature may provide by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen by the qualified electors of the state one clerk of the supreme court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

Judges of supreme court.

SEC. 3. The judges of the supreme court shall be elected by the electors of the state at large, and their term of office shall be seven years, and until their successors are elected and qualified.

Judicial districts.

SEC. 4. The state shall be divided by the legislature into six judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district one judge shall be elected by the electors thereof, who shall constitute said court, and whose term of office shall be seven years. Every district judge shall at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office.

District courts.

SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment, or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of the judge of any other district not his own, when convenience or the public interest may require it.

Qualifications of judges.

SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times, as may be prescribed by the legislature, which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

SEC. 7. There shall be established in each organized county in the state, a probate court, which shall be a

court of record, and be held at such times and places as Probate court. may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office, and his compensation shall be provided by law. He may appoint his own clerk where none has been elected, but the legislature may authorize the election by the electors of any county, of one clerk or register of probate of such county, whose powers, duties, term of office, and compensation, shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons, and persons under guardianship; but no other jurisdiction, except as prescribed by this constitution.

SEC. 8. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law: *Provided*, That no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine of one hundred dollars, nor in any cause involving the title to real estate. Justices of the peace.

SEC. 9. All judges other than those provided for in this constitution shall be elected by the electors of the judicial district, county or city, for which they shall be created, not for a longer term than seven years. Other judges.

SEC. 10. In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened. Vacancy in judgeship.

SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this state. And all votes for either of them for any elective office under this constitution, except a judicial office, given by the legislature or the people, during their continuance in office, shall be void: Judges not to hold other offices.

SEC. 12. The legislature may at any time change the number of judicial districts or their boundaries, when it Change of judicial districts.

shall be deemed expedient, but no such change shall vacate the office of any judge.

Clerk of district courts.

SEC. 13. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

Legal pleadings and proceedings.

SEC. 14. Legal pleadings and proceedings in the courts of this state, shall be under the direction of the legislature. The style of all process shall be "The State of Minnesota," and all indictments shall conclude "against the peace and dignity of the State of Minnesota."

Court commissioners.

SEC. 15. The legislature may provide for the election of one person in each organized county in this state, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon judges of probate in the state.

ARTICLE VII.—ELECTIVE FRANCHISE.

Elective franchise—who entitled to exercise it.

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the United States one year, and in this state for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are, or hereafter may be elective by the people:

Amended to read thus, Nov. 3, 1868.

First.—Citizens of the United States.

Amended to read thus, Nov. 3, 1868.

Second.—Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

Third.—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Fourth.—Persons of Indian blood residing in this state, who have adopted the language, customs and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

SEC. 2. No person not belonging to one of the classes

specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship or who may be *non compos mentis* or insane, shall be entitled or permitted to vote at any election in this state.

Persons not entitled to vote.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student of any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

Residence not lost in certain cases.

SEC. 4. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this state, in consequence of being stationed within the same.

Residence not acquired in certain cases.

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

On election day arrests on civil process forbidden.

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

Elections to be by ballot.

SEC. 7. Every person who, by the provisions of this article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to said election, except as otherwise provided in this constitution, or in the constitution and laws of the United States.

Eligibility to office.

ARTICLE VIII.—SCHOOL FUNDS, EDUCATION AND SCIENCE.

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

Uniform system of public schools.

SEC. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools in each township in this state, shall remain a perpetual school fund to the state, and not more than one-third ($\frac{1}{3}$) of said lands may be sold in two (2) years, one-third ($\frac{1}{3}$) in five (5) years, and one-third ($\frac{1}{3}$) in ten (10) years; but the lands of the greatest valuation shall be sold first, provided that no portion of said lands shall be sold

Proceeds of sales of school lands.

otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands, or other property, granted or entrusted to this state in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school lands shall be distributed to the different townships throughout the state, in proportion to the number of scholars in each township, between the ages of five and twenty-one years, and shall be faithfully applied to the specific objects of the original grants or appropriations.

Public schools in each township.

SEC. 3. The legislature shall make such provision, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the state.

Location of the state university confirmed.

SEC. 4. The location of the university of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the university of the state of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto the said university, and all lands which may be granted hereafter by congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

ARTICLE IX.—FINANCES OF THE STATE, AND BANKS AND BANKING.

Taxation. Proviso in [] adopted Nov. 2, 1866.

SECTION 1. All taxes to be raised in this state shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the state; [*Provided*, That the legislature may, by general law or special act, authorize municipal corporations to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation, and in such manner as the legislature may prescribe.]

Annual tax for ordinary expenses. The word in [] adopted Nov. 2, 1866.

SEC. 2. The legislature shall provide for an annual tax sufficient to defray the estimated [ordinary] expenses of the state for each year, and whenever it shall happen that such ordinary expenses of the state for any year shall exceed the income of the state for such year, the legislature shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the

deficiency of the preceding year, together with the estimated expenses of such ensuing year. [But no law levying a tax, or making other provisions for the payment of interest or principal of the bonds denominated "Minnesota state railroad bonds," shall take effect or be in force until such law shall have been submitted to a vote of the people of the state, and adopted by a majority of the electors of the state voting upon the same.] ✓

SEC. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property used for religious purposes, and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to an amount not exceeding in value two hundred dollars for each individual, shall, by general laws, be exempt from taxation.

Property subject to taxation.

SEC. 4. Laws shall be passed for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues of every description, of all banks and all bankers; so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

Property of banks subject to taxation.

SEC. 5. For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed two hundred and fifty thousand dollars; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. The state shall never contract any debts for works of internal improvements, or

Public debts—limit of amount—how authorized—how to be paid.

be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the state, especially dedicated by the grant to specific purposes, and in such cases the state shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

SEC. 6. All debts authorized by the preceding section shall be contracted by loan on state bonds, of amounts not less than five hundred dollars each, on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the state under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

Public debt, how contracted.

Other public debt

SEC. 7. The state shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

Application of money arising from loans.

SEC. 8. The money arising from any loan made, or debt, or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the re-payment of such debt or liability, and to no other purpose whatever.

Payment of money out of the treasury.

SEC. 9. No money shall ever be paid out of the treasury of this state, except in pursuance of an appropriation by law.

Loan of State credit prohibited. Amendment in [] adopted Nov. 6, 1866.

SEC. 10. The credit of the state shall never be given or loaned in aid of any individual, association or corporation: [Nor shall there be any further issue of bonds denominated "Minnesota state railroad bonds," under what purports to be an amendment to section ten (10) of of article nine, (9) of the constitution, adopted April fifteenth, eighteen hundred and fifty-eight, which is hereby expunged from the constitution, saving, excepting and reserving to the state, nevertheless, all rights, remedies and forfeitures accruing under said amendment.]

Treasurer's statement of receipts and expenditures

SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week of January in each year, and in the next volume of the acts of the legislature, detailed statements of moneys drawn from the treasury during the preceding year, for what purposes and to whom paid, and by what law authorized, and also of all moneys received, and by what authority, and for whom.

SEC. 12. Suitable laws shall be passed by the legislature for the safe-keeping, transfer and disbursement of the state and school funds, and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received, and of each payment and transfer, and if any of said officers or other persons shall convert it to his own use in any form, or shall loan, with or without interest, contrary to law, or shall deposit in banks, or exchange for other funds, any portion of the funds of the state, every such act shall be adjudged to be an embezzlement of so much of the state funds as shall be thus taken, and shall be declared a felony; and any failure to pay over or produce the state or school funds entrusted to such person, on demand, shall be held and taken to be *prima facie* evidence of such embezzlement.

State and school funds—their safe keeping, transfer and disbursements.

SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz. :

First—The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Provisions and requirements for a banking law.

Second—The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or state stocks for the redemption of the same in specie, and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stock shall be required to make up said deficiency by additional stocks.

Third—The stockholders in any corporation and joint association for banking purposes issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association, and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth—In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Fifth—Any general banking law which may be passed

in accordance with this article shall provide for recording the names of all stockholders in such corporations, the amount of stock held by each, the time of transfer, and to whom transferred.

Sec. 14a, adopted Nov. 5, 1872.
Special increase of state debt.

Sec. 14a. For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, and state prison, the legislature may, by law, increase the public debt of the state, to an amount not exceeding two hundred and fifty thousand dollars, in addition to the public debt already heretofore authorized by the constitution, and for that purpose may provide by law for issuing and negotiating the bonds of the state, and appropriate the money only for the purpose aforesaid, which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the state. ✓

Sec. 14b, adopted Nov. 5, 1872.
Limitation of taxing power for railroads.

Sec. 14b. The legislature shall not authorize any county, township, city or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city or other municipal corporation. The amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness. ✓

ARTICLE X.—OF CORPORATIONS HAVING NO BANKING PRIVILEGES.

Of corporations and their powers.

SECTION 1. The term "corporation," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all courts in like manner as natural persons.

SEC. 2. No corporation shall be formed under special acts, except for municipal purposes.

Amended sec. 3, adopted Nov. 5, 1872.

SEC. 3. Each stockholder in any corporation, (excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business,) shall be liable to the amount of stock held or owned by him. ✓

SEC. 4. Lands may be taken for public way, for the

purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions or manufactures on equal and reasonable terms.

Lands taken for public way.

ARTICLE XI.—COUNTIES AND TOWNSHIPS.

SECTION 1. The legislature may, from time to time, establish and organize new counties, but no new county shall contain less than four hundred square miles; nor shall any new county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

Counties, establishment and organization of.

SEC. 2. The legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

Organization of cities into separate counties.

SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes, of any congressional or fractional townships in the several counties in the state, provided that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships, for the purposes aforesaid.

Organization of townships.

SEC. 4. Provision shall be made by law for the election of such county or township officers as may be necessary.

Election of township and county officers.

SEC. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

Local taxation.

SEC. 6. No money shall be drawn from any county or township treasury, except by authority of law.

Money in county or township treasuries.

SEC. 7. That the county of Manomin is hereby abol-

Sec. 7 adopted
Nov. 2, 1869.

ished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

ARTICLE XII.—OF THE MILITIA.

Militia organiza-
tion.

SECTION 1. It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the state as may be deemed necessary.

ARTICLE XIII.—IMPEACHMENT AND REMOVAL FROM OFFICE.

Impeachment.

SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such cases shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Removal from
office.

SEC. 2. The legislature of this state may provide for the removal of inferior officers from office for malfeasance or nonfeasance in the performance of their duties.

Functions of im-
peached officer
suspended.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Lt. Gov. not to
act on impeach-
ment of the Gov-
ernor.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

Time allowed on
impeachment.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

ARTICLE XIV.—AMENDMENTS TO THE CONSTITUTION.

Amendments to
this constitution
how proposed
and made.

SECTION 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law, that a majority

of voters present and voting shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes, as a part of this constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution, they shall recommend to the electors to vote, at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

Constitutional convention how called.

ARTICLE XV.—MISCELLANEOUS SUBJECTS.

SECTION 1. The seat of government of the state shall be at the city of St. Paul, but the legislature at their first, or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by congress for a seat of government to the state; and in the event of the seat of government being removed from the city of St. Paul to any other place in the state, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts, to be organized by the legislature of the state, and of which institution the Minnesota Historical Society shall always be a department.

Seat of government.

SEC. 2. Persons residing on Indian lands within the state shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the state; and shall be subject to taxation.

Residence on Indian lands.

SEC. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

Uniform oath.

SEC. 4. There shall be a seal of the state, which shall be kept by the secretary of state, and be used by him officially, and shall be called by him the great seal of the

Seal of the State.

state of Minnesota, and shall be attached to all official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

State prison.

SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of this constitution, be and remain one of the state prisons of the state of Minnesota.

SCHEDULE.

All rights, actions, claims and contracts valid under State organization as under territorial.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the territory of Minnesota previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the state.

All laws remain in force.

SEC. 2. All laws now in force in the territory of Minnesota, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

Off-fines and penalties

SEC. 3. All fines, penalties or forfeitures accruing to the territory of Minnesota, shall inure to the state.

Further provisions concerning the change from territorial to state government.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts of whatsoever description, of the territory of Minnesota, shall inure to and vest in the state of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the state of Minnesota as the same could have been by the territory of Minnesota. All criminal prosecutions and penal actions which may have arisen or which may arise before the

change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Minnesota, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Minnesota, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Minnesota, at the time of the change from a territorial to a state government, may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

SEC. 5. All territorial officers, civil and military, now holding their offices under the authority of the United States or of the territory of Minnesota, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

Territorial officers in authority until superseded.

SEC. 6. The first session of the legislature of the state of Minnesota shall commence on the first Wednesday of December next, and be held at the capitol, in the city of Saint Paul.

First session of legislature.

SEC. 7. The laws regulating the election and qualification of all district, county and precinct officers, shall continue and be in force until the legislature shall otherwise provide by law.

Election laws continue in force.

SEC. 8. The president of the convention shall, immediately after the adjournment thereof, cause this constitution to be deposited in the office of the governor of the territory, and if after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the state, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against the said constitution, to the President of the United States, to be by him laid before the congress of the United States.

Constitution submitted to the people.

SEC. 9. For the purposes of the first election, the state shall constitute one district, and shall elect three members to the house of representatives of the United States.

Representatives in Congress.

SEC. 10. For the purposes of the first election for members of state senate and the house of representatives,

Apportion of
counties into leg-
islative districts.

the state shall be divided into senatorial and representative districts, as follows, viz.: 1st district, Washington county; 2d district, Ramsey county; 3d district, Dakota county; 4th district, so much of Hennepin county as lies west of the Mississippi; 5th district, Rice county; 6th district, Goodhue county; 7th district, Scott county; 8th district, Olmsted county; 9th district, Fillmore county; 10th district, Houston county; 11th district, Winona county; 12th district, Wabasha county; 13th district, Mower and Dodge counties; 14th district, Freeborn and Faribault counties; 15th district, Steele and Waseca counties; 16th district, Blue Earth and LeSueur counties; 17th district, Nicollet and Brown counties; 18th district, Sibley, Renville and McLeod counties; 19th district, Carver and Wright counties; 20th district, Benton, Stearns and Mecker counties; 21st district, Morrison, Crow Wing and Mille Lacs counties; 22d district, Cass, Pembina and Todd counties; 23d district, so much of Hennepin county as lies east of the Mississippi; 24th district, Sherburne, Anoka and Manomin counties; 25th district, Chisago, Pine and Isanti counties; 26th district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the state line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. The senators and representatives at the first election shall be apportioned among the several Senatorial and representative districts as follows, to-wit:

Apportionment of members.	1st district.....	2 senators	3 representatives.
	2d "	3 "	6 "
	3d "	2 "	5 "
	4th "	2 "	4 "
	5th "	2 "	3 "
	6th "	1 "	4 "
	7th "	1 "	3 "
	8th "	2 "	4 "
	9th "	2 "	6 "
	10th "	2 "	3 "
	11th "	2 "	4 "
	12th "	1 "	3 "
	13th "	2 "	3 "
	14th "	1 "	3 "
	15th "	1 "	4 "
	16th "	1 "	3 "
	17th "	1 "	3 "

18th district.....	1 senator	.....	3 representatives.
19th "	1 " .....	.....	3 "
20th "	1 " .....	.....	3 "
21st "	1 " .....	.....	1 "
22d "	1 " .....	.....	1 "
23d "	1 " .....	.....	2 "
24th "	1 " .....	.....	1 "
25th "	1 " .....	.....	1 "
26th "	1 " .....	.....	1 "
	—		—
	87		80

SEC. 13. The returns from the 22d district shall be made to and canvassed by the judges of election at the precinct of Otter Tail City.

SEC. 14. Until the legislature shall otherwise provide, the state shall be divided into judicial districts as follows, viz. :

Judicial apportionment.

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis, and Lake, shall constitute the first judicial district.

The county of Ramsey shall constitute the second judicial district.

The counties of Houston, Winona, Fillmore, Olmsted, and Wabasha, shall constitute the third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd, and Cass, shall constitute the fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower, and Freeborn, shall constitute the fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and other counties in the state, not included within the other districts, shall constitute the sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

SEC. 16. Upon the second Tuesday, the 13th day of October, 1857, an election shall be held for members of the house of representatives of the United States, governor, lieutenant-governor, supreme and district judges, members of the legislature, and all other officers designated in this constitution, and also for the submission of this constitution to the people for their adoption or rejection.

First election.

SEC. 17. Upon the day so designated as aforesaid,

Voters at first election.

every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the state for ten days previous to the day of said election, may vote for all officers to be elected under this constitution at such election, and also for or against the adoption of this constitution.

Vote on the constitution.

SEC. 18. In voting for or against the adoption of this constitution, the words "for constitution," or "against constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this constitution on a separate ballot from that cast by him for officers to be elected at said election under this constitution; and if, upon the canvass of the votes so polled, it shall appear that there was a greater number of votes polled for than against said constitution, then this constitution shall be deemed to be adopted as the constitution of the state of Minnesota, and all the provisions and obligations of this constitution, and of the schedule hereto attached, shall thereafter be valid to all intents and purposes as the constitution of said state.

Election how conducted.

SEC. 19. At said election the polls shall be opened, the election held, returns made and certificates issued in all respects as provided by law for opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points, in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

Poll books to be forwarded.

SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law for each precinct, to forward to the secretary of the territory, by mail, immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct, and the number of votes polled for and against the adoption of this constitution.

Returns of election how made.

SEC. 21. The returns of said election for and against this constitution, and for all state officers and members of the house of representatives of the United States, shall be made and certificates issued in the manner now prescribed by law for returning votes given for delegate to congress, and the returns of all district officers, judicial, legislative or otherwise, shall be made to the register of

deeds, of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegate to congress.

SEC. 22. If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any state or district officer provided for in this constitution, and no state organization shall have validity within the limits of the territory until otherwise provided for, and until a constitution for a state government shall have been adopted by the people.

If constitution not adopted, what.

AMENDMENT TO SECTION TEN, ARTICLE NINE OF THE CONSTITUTION.

Be it enacted by the Legislature of the State of Minnesota :

SEC. 10. The credit of this state shall never be given or loaned in aid of any individual, association or corporation; except that for the purpose of expediting the construction of the lines of railroads, in aid of which the congress of the United States has granted lands to the territory of Minnesota, the governor shall cause to be issued and delivered to each of the companies in which said grants are vested by the legislative assembly of Minnesota, the special bonds of the state, bearing an interest of seven per cent. per annum, payable semi-annually in the city of New York, as a loan of public credit, to an amount not exceeding twelve hundred and fifty thousand dollars, or an aggregate amount to all of said companies not exceeding five millions of dollars, in manner following, to wit:

Adopted April 15, 1858.

Expunging amendment adopted Nov. 6, '80.

State credit loaned to railroads.

Whenever either of the said companies shall produce to the governor satisfactory evidence, verified by the affidavits of the chief engineer, treasurer and two directors of said company, that any ten miles of the road of said company has been actually constructed and completed,

Amount \$5,000,000.

ready for placing the superstructure thereon, the governor shall cause to be issued and delivered to such company, bonds to the amount of one hundred thousand dollars, and whenever thereafter, and as often as either of said companies shall produce to the governor, like evidence of a further construction of ten miles of its road, as aforesaid, then the governor shall cause to be issued to such company further like bonds to the amount of one hundred thousand dollars for each and every ten miles of road thus constructed; and whenever such company shall furnish like evidence that any ten miles of its road is actually completed and cars running thereon, the governor shall cause to be issued to such company like bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said companies shall produce to the governor like evidence that any further ten miles of said road is in operation as aforesaid, the governor shall cause to be issued to such company further like bonds to the amount of one hundred thousand dollars until the full amount of the bonds hereby authorized shall be issued; *Provided*, That two-fifths, and no more, of all bonds issued to the Southern Minnesota Railroad Company, shall be expended in the construction and equipment of the line of road from LaCrescent to the point of junction with the Transit road, as provided by law. *And further provided*, That the Minneapolis and Cedar Valley Railroad Company shall commence the construction of their road at Faribault and Minneapolis, and shall grade an equal number of miles from each of said places.

The said bonds thus issued shall be denominated "Minnesota State Railroad Bonds," and the faith and credit of this state are hereby pledged for the payment of the interest and the redemption of the principal thereof. They shall be signed by the governor, countersigned and registered by the treasurer, sealed with the seal of the state, of denominations not exceeding one thousand dollars, payable to the order of the company to whom issued, transferable by the endorsement of the president of the said company, and redeemable at any time after ten and before the expiration of twenty-five years from the date thereof. Within thirty days after the governor shall proclaim that the people have voted for a loan of state credit to railroads, any of said companies proposing to avail themselves of the loan herein provided for, and to accept the conditions of the same, shall notify the governor thereof,

Bonds to issue for
what work by
railroad company

Name of bonds
and terms thereof

and shall, within sixty days, commence the construction of their roads, and shall, within two years thereafter, construct ready for the superstructure, at least fifty (50) miles of their road. Each company shall make provision for the punctual payment and redemption of all bonds issued and delivered as aforesaid, to said company, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the treasury of this state from any advances of money for that purpose; and as security therefor, the governor shall demand and receive from each of said companies, before any of said bonds are issued, an instrument pledging the net profits of its road, for the payment of said interest, and a conveyance to the state of the first two hundred and forty sections of land, free from prior incumbrances, which such company is or may be authorized to sell in trust for the better security of the treasury of the state from loss on said bonds, which said deed of trust shall authorize the governor and secretary of state to make conveyances of title to all or any of such lands, to purchasers agreeing with the respective railroad companies theretor.

Companies to provide for payment of principal and interest.

Such payment how secured.

Provided, That before releasing the interest of the state to such lands, such sale shall be approved by the governor, but the proceeds of all such sales shall be applied to the payment of interest accruing upon the bonds in case of default of the payment of the same, and as a sinking fund to meet any future default in the payment of interest and principal thereof when due; and as further security, an amount of first mortgage bonds on the roads, lands and franchises of the respective companies, corresponding to the state bonds issued, shall be transferred to the treasurer of the state at the time of the issue of state bonds; and in case either of said companies shall make default in payment of either the interest or principal of the bonds issued to said companies by the governor, no more state bonds shall thereafter be issued to said company, and the governor shall proceed in such manner as may be prescribed by law, to sell the bonds of the defaulting company or companies, or the lands held in trust as above, or may require a foreclosure of the mortgage executed to secure the same: *Provided*, That if any company so in default, before the day of sale shall pay all interest and principal then due, and all expenses incurred by the state, no sale shall take place, and the right of said company shall not be impaired to a further

Companies in default shall forfeit no right on paying what is due.

loan of state credit: *Provided*, If any of said companies shall at any time offer to pay the principal together with the interest that may then be due upon any of the Minnesota state railroad bonds, which may have been issued under the provisions of this section, then the treasurer of state shall receive the same; and the liabilities of said company or companies in respect to said bonds shall cease upon such payment into the state treasury of principal, together with the interest as aforesaid: *Provided further*, That in consideration of the loan of state credit herein provided, that the company or companies which may accept the bonds of the state in the manner herein specified, shall, as a condition thereof, each complete not less than fifty miles of its road on or before the expiration of the year 1861, and not less than one hundred miles before the year 1864, and complete four-fifths of the entire length of its road before the year 1866; and any failure on the part of any such company to complete the number of miles of its road or roads, in the manner and within the several times herein prescribed, shall forfeit to the state all the right, title and interest of any kind whatsoever in and to any lands, together with the franchises connected with the same not pertaining or applicable to the portion of the road by them constructed, and a fee simple to which has not accrued to either of said companies, by reason of such construction, which was granted to the company or companies thus failing to comply with the provisions hereof, by act of the legislature of the territory of Minnesota, vesting said land in said companies respectively.

Stipulations concerning the completion of the railroads.