

STATE OF IOWA
1924

An Analysis of

The Constitution of the
United States

and

The Constitution of Iowa

With Notes and References

For Use in the Schools of the State

MAY E. FRANCIS
Superintendent of Public Instruction

Published by
The State of Iowa
Des Moines

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An Analysis of

The Constitution of the United States

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The Constitution of Iowa

With Notes and References

For Use in the Schools of the State in Compliance With Chapter
Ninety-One of the Acts of the Thirty-Ninth
General Assembly

Prepared by
EARL F. WISDOM

Issued by the
DEPARTMENT OF PUBLIC INSTRUCTION
Des Moines

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The State of Iowa
Des Moines

FOREWORD

The Thirty-eighth General Assembly enacted a law providing for the teaching of American Citizenship in the schools of the state. The Thirty-ninth General Assembly added to that requirement the specification that this instruction shall include regular courses in the constitution of the United States and the constitution of the state of Iowa.

The enactment provides as follows:

SECTION 1. In all public and private schools located within the state of Iowa, commencing with the school year, 1921, there shall be given regular courses of instruction in the constitution of the United States and in the constitution of the state of Iowa.

SEC. 2. Such instruction in the constitution of the United States and the constitution of the State of Iowa, shall begin not later than the opening of the eighth grade, and shall continue in the high school to an extent to be determined by the superintendent of public instruction. Chapter 91, Acts of the Thirty-ninth General Assembly.

This analysis has been prepared in accordance with this provision of the law and is provided for distribution free to teachers and schools for the purpose of securing systematic instruction in this new course and with the belief that a thorough study of the provisions of the constitutions of our state and national governments will reveal the soundness of the fundamental law of these governing bodies, and establish that respect for the state and nation which will guarantee a continuation of the blessings of liberty and freedom guaranteed therein and enjoyed by the citizens of this state and nation.

Government is the sum of all the agencies through which the purposes of the state are formulated and executed.

The history of the United States of America is the history of the growth and development of constitutional free government. From the signing of the Mayflower Compact to the proposal of the twentieth amendment, we have a gradual and continuous development of the constitutional rights of the people. The government is based upon a written constitution described by that great English student of American Government, James Bryce, as one of the two greatest documents ever to come from the pen of man. This great writer also said that the most remarkable element of greatness to be ascribed to this famous document was the breadth of interpretation which it allows.

The Constitution of the United States is the bulwark of human freedom and the charter of human liberty. It provides a government strong enough to meet the most stupendous tasks but which allows the greatest freedom to the individual citizen of any

government so far established. It is representative government, of which President Coolidge, in an address to the Massachusetts State Senate in 1914, spoke as follows:

“That state is most fortunate in its form of government which has the aptest instrument for the discovery of laws. The latest, most modern and nearest perfect system that statesmanship has devised is representative government. Its weakness is the weakness of us imperfect human beings who administer it. Its strength is that even such administration secures to the people more blessings than any other system ever produced. No nation has discarded it and retained liberty. Representative government must be preserved.”

The government by the constitution is separated into three departments, the Legislative, the Executive, and the Judicial, the duties of each of which are clearly outlined. The powers of each are enumerated and limited by the Constitution. The Federal Government, being a government of limited powers, its officers can perform only those functions which are delegated to the various departments. By the nature of the document itself, it must be interpreted and applied. In order that this might be done with justice to all and with little interference, the Federal Judiciary was made as nearly independent as possible, in order that the judges might be the better enabled to adjudicate differences between litigants with little political influence. Their term of office is for life or good behavior during which time their salary may not be reduced by the Federal Government.

The Supreme Court is established by the Constitution and its jurisdiction is well defined. The Executive cannot force his will upon the Legislature, (Congress). The Legislature, (Congress) cannot delegate its duties to any other department. The Legislature, (Congress) cannot control the Executive, nor can the Courts compel either of the other branches to act. This is representative government under a constitution of delegated and limited powers. It is indeed, as the President has said, the nearest perfect system that statesmanship has devised.

All of the imperfections of our government may be traced, not to the form, but to the operation and to the selection of our representatives to perform the functions of government. In other words, whether it is neglect of duty, or wrong doing in office, it may be traced either to the breakdown of the individual office holder or to the failure of the individual voter at the ballot box. If self government is to continue as a successful form of government, we must present an ever increasing intelligence and devotion to duty at the ballot box and must show an increased respect for the duly elected and constituted officers of our government; who in turn must show a deep devotion to duty, rather than a mere shallow camouflage at duty for the purpose of a continuation in office. It is to that end that this analysis is prepared and submitted.

MAY E. FRANCIS,
Superintendent of Public Instruction.

Constitution of the United States of America

PREAMBLE

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT

SECTION 1. Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

SEC. 2. House of Representatives

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes (except income taxes, Amendment XVI) shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of *free persons, including those bound to service for a term of years, and excluding Indians not taxed, (three-fifths of all other persons).* (Clause in italics superseded by the Thirteenth and Fourteenth Amendments.) The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. Senate

1. The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. (Supersedes original section, Amendment XVII.)

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year.

2. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any state may

empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the Legislature may direct. (Supersedes original section, Amendment XVII.)

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SEC. 4. Elections and Sessions

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, (except as to the places of choosing Senators).*

*Rendered obsolete by Amendment XVII.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Government and Rules

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 6. Privileges and Restrictions

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have

been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SEC. 7. Process of Law-Making

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. 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 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 and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten 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 Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and, before, the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. Powers Granted to Congress

The Congress shall have power,—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors an exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

SEC. 9. Powers Denied Congress

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. 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 it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken. (Except income tax levied under Amendment XVI).

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any, king, prince, or foreign state.

SEC. 10. Powers Denied to the States

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II. EXECUTIVE DEPARTMENT

SECTION 1. The President:

ELECTION AND QUALIFICATIONS

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:—

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. (1) The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. (Supercedes original section, Amendment XII).

(2) The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for that purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. (Supercedes original section, Amendment XII.)

(3) But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. (Supercedes original section, Amendment XII).

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then

act as President and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. Powers of the President

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; 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 for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 3. Duties of the President

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. Removal of Officials

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. JUDICIAL DEPARTMENT

SECTION 1. Courts and Judges

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. Jurisdiction and Methods

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of ad-

miralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State (shall not be construed to give a citizen of one state the right to sue another state in Federal Court. See Amendment XI), between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects. (Shall not be construed to give citizens or subjects of any foreign state the right to sue one of the United States in Federal Court. See Amendment XI.)

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason

1. Treason against the United States shall consist only in levying war against them, or in adhering to their 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.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. STATE RELATIONS

SECTION 1. Public Acts

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general law prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. Rights and Restrictions of Individuals

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States and National Possessions.

1. New States may be admitted by the Congress into the Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SEC. 4. Protection of States

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V. AMENDMENT

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI. AUTHORITY OF THE CONSTITUTION

1. All debts contracted and engagements entered into, before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII. RATIFICATION

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution, between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth.

In Witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia,
(and thirty-eight other delegates.)

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLE I. PERSONAL FREEDOM

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II. KEEPING AND BEARING ARMS

A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III. QUARTERING TROOPS

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV. SECURITY OF THE HOME

The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. SECURITY AGAINST THE GOVERNMENT

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI. RIGHTS OF PERSONS ACCUSED OF CRIME

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which 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 for his defence.

ARTICLE VII. JURY TRIAL IN CIVIL CASES

In suit at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII. BAIL AND PUNISHMENTS

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX. UNMENTIONED RIGHTS

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X. POWERS RESERVED TO THE STATES

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI. SUITS AGAINST STATES

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

ARTICLE XII. ELECTION OF PRESIDENT AND VICE PRESIDENT

SECTION 1. Election of President

The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their

ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make district lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall evolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

SEC. 2. Election of Vice-President

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for that purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

SEC. 3. Qualifications of Vice-President

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII. SLAVERY

SECTION 1. Prohibition

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Enforcement

Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV. CIVIL AND POLITICAL RIGHTS OF CITIZENS

SECTION 1. Citizens and Their Rights

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Apportionment of Representatives

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and

judicial officers of a State, or the members of the Legislature thereof, is denied to any of the (male) inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such (male) citizens shall bear to the whole number of (male) citizens twenty-one years of age in such State. (Amendment XVII.)

SEC. 3. Loss of Political Privileges

No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. Public Debt

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. Enforcement

The Congress shall have power to enforce, by appropriate legislation the provisions of this article.

ARTICLE XV. RIGHT OF SUFFRAGE

SECTION 1. Negro Suffrage

The right of citizens of the United States to vote shall not be denied or abridged by the United States or, by any State, on account of race, color, or previous condition or servitude.

SEC. 2. Enforcement

The Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XVI. INCOME TAXES

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII. ELECTION OF SENATORS

SECTION 1. Composition of Senate, etc.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

SEC. 2. Vacancies

When vacancies happen in representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

SEC. 3. Effective

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII. INTOXICATING LIQUORS

SECTION 1. Prohibition

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited.

SEC. 2. Enforcement

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. Time of Ratification

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

ARTICLE XIX. SUFFRAGE

SECTION 1. Woman Suffrage

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. Enforcement

Congress shall have power to enforce this article by appropriate legislation.

AMERICAN CONSTITUTIONAL GOVERNMENT—ANALYSIS

I. Introduction.

A. Definitions.

1. Government.
2. Society.
3. Community.
4. State.
5. Nation.
6. People.
7. Sovereignty.
8. Law.
9. Constitution.
10. Confederation.
11. Federation.
12. Federal Republic.
13. Civics.

B. Forms of Government.

1. With reference to location to power.
 - a. Monarchy.
 - (1) Absolute.
 - (2) Limited, or Constitutional.
 - b. Oligarchy.
 - (1) Aristocracy.
 - c. Democracy.
 - (1) Pure.
 - (2) Representative, or Republic.
2. With reference to basis.
 - a. Constitutional.
 - (1) Written Constitution, Ex. United States.
 - (2) Unwritten Constitution, Ex. British.

- b. Arbitrary.
 - (1) Absolute Monarchy.
 - (2) Pure Democracy.
- C. Functions of Government.
 - 1. To make rules governing rights and duties of individuals.
 - 2. To enforce these rules.
 - 3. To protect life and property.
 - 4. To punish those who disobey the law.
 - 5. To conduct activities which government can do to better advantage than individuals. Ex. Schools, roads, etc.
- D. Citizenship, the sum total of the rights and duties of membership in the national or state government.
 - 1. Those entitled to (Amendment XIV).
 - a. Persons born in United States.
 - b. Persons naturalized.
 - (1) Process.
 - (a) Declaration of intent.
 - (b) Residence five years.
 - (c) Proof of good moral character.
 - (d) Oath of allegiance to United States and renunciation of any foreign king, prince, or potentate.
 - (e) Open only to whites and negroes.
 - c. Persons born of American parents abroad.
 - d. Children under 21 by naturalization of parents.
 - e. Persons in annexed territory, Ex. Texas.
 - 2. Rights of citizen.
 - a. Personal security.
 - b. Personal liberty.
 - c. Private property.
 - 3. Duties of Citizen.
 - a. To have due regard for the rights of others.
 - b. To participate in elections.
 - c. To respect elections and duly elected officials.
 - d. To obey the law.
 - e. To contribute just share toward expenses of government.
 - f. To work for public good.
- II. Government in the United States.
 - Basis—The written Constitution.
 - A. Sources.
 - 1. Magna Charta. (1215.)
 - 2. Mayflower Compact. (1620.)
 - 3. New England Confederation. (1643.)
 - 4. English Bill of Rights. (1689.)
 - 5. Colonial Charters. (1607-1732.)
 - 6. Albany Plan of Union. (1754.)
 - 7. Articles of Confederation. (1777.)
 - 8. State Constitutions. (1776-1780.)
 - B. Circumstances leading up to adoption.
 - 1. Western Lands.
 - a. Claimed by Virginia, Conn., N. Y., Mass.
 - b. Ceded to United States by Great Britain in 1783.
 - c. Maryland refused to ratify Articles of Confederation until states gave up claims to Western Lands.
 - 2. Articles of Confederation.
 - a. Provisions.
 - (1) Established a league of friendship.
 - (2) States retained sovereignty.
 - (3) Congress consisted of 2 to 7 delegates elected, paid, and subject to recall by states.
 - (4) Expenses of war to be paid from a common treasury supplied by states in proportion to land value.
 - (5) Judiciary only for piracies and captures on high seas.

- (6) Nine states necessary for action.
- (7) Amended only by unanimous consent.
- b. Defects.
 - (1) Confederation of states only.
 - (2) Not a national government.
 - (3) Only one branch of legislature.
 - (4) Congress had no power to enforce laws.
 - (5) No federal judiciary.
 - (6) No power in Congress to coin money, regulate trade, collect taxes.
 - (7) No continuous body of government.
- c. The Confederation fails in practice.
 - (1) Jealousies over trade in New England States.
 - (2) Congress unable to secure any cooperation in trade regulations.
 - (3) Paper money craze and destruction of credit.
 - (4) States fail to pay taxes to Congress for government expenses.
 - (5) "One nation today, thirteen tomorrow," Washington.
 - (6) Disagreement over trade on Potomac; Virginia and Maryland.
 - (7) Shay's Rebellion.
- 3. Steps leading up to the Convention.
 - a. Mt. Vernon Conference. (1785.)
 - (1) Virginia and Maryland represented.
 - (2) Adjourn to Mt. Vernon.
 - (3) Controversy over navigation of Potomac. (See Geography.)
 - (4) Washington's suggestion.
 - (a) Agreement to regulate commerce.
 - (b) Uniform currency.
 - (c) Canal to join Potomac and Ohio Rivers.
 - (5) Invitation to all states to meet at Annapolis, Maryland, to consider trade and commerce.
 - b. Annapolis Convention. (1786.)
 - (1) Five states represented.
 - (2) Hamilton resolution asked Congress to call convention at Philadelphia.
- C. Constitutional Convention.
 - 1. Philadelphia, May to September, 1787.
 - 2. Purpose.
 - a. "To devise such provisions as shall seem to them necessary to render the constitution adequate to the exigencies of the union." Hamilton's resolution at Annapolis, 1786.
 - b. "For the sole and express purpose of revising the Articles of Confederation," Call of Congress, 1787.
 - 3. Organization.
 - a. Delegates.
 - (1) Men present.
 - (2) Age.
 - (3) Experience in governmental affairs.
 - b. Chairman.
 - c. Rules.
 - (1) Sessions behind closed doors.
 - (2) Each state had one vote.
 - (3) No address printed or made public.
 - d. Plans proposed.
 - (1) New Jersey plan.
 - (2) Virginia plan. (The basis of the Constitution.)
 - e. Groups represented.
 - (1) Large vs. small states.
 - (2) Northern vs. Southern states.

- (3) Commercial East vs. the Agricultural South and West.
- f. Compromises.
 - (1) Representation in House of Representatives according to population and in Senate according to states.
 - (2) Regulation of commerce by Congress, but no prohibition of slave importation prior to 1808.
 - (3) Apportionment of representatives and direct taxes according to population.
- 4. Work finished.
 - a. Document signed, September, 1787.
 - b. Submitted to Congress with letter from Washington.
 - c. Submitted to states for ratification. (Effective among states so ratifying upon ratification by nine states.)
- D. Struggle for Ratification.
 - 1. Party Alignments.
 - a. Federalist.
 - b. Anti-Federalists.
 - 2. Arguments against Constitution.
 - a. Did not contain a Bill of Rights.
 - b. Created too strong central government.
 - c. Enough government already.
 - d. Framers not qualified.
 - (1) Hamilton and Madison mere boys.
 - (2) Franklin an old man in dotage.
 - (3) Washington a general, but not skilled in politics.
 - e. Established an oligarchy.
 - f. Provided for military tyranny.
 - 3. Arguments in favor of Constitution.
 - a. Would establish law and order.
 - b. Place finances on firm basis.
 - c. Provided for three independent departments of government.
 - d. "This Constitution or Anarchy," said Washington.
 - e. The Federalist by Jay, Madison and Hamilton.
 - 4. Order of Ratification.
 - (1) Delaware. December 6, 1787. Unanimously.
 - (2) Pennsylvania. December 12, 1787. 46 to 23.
 - (3) New Jersey, December 18, 1787. Unanimously.
 - (4) Georgia, January 2, 1788. Unanimously.
 - (5) Connecticut, January 9, 1788. 128 to 40.
 - (6) Massachusetts, February 6, 1788. 187 to 168. (Proposed amendments.)
 - (7) Maryland, April 28, 1788. 63 to 11. (Proposed 28 amendments.)
 - (8) South Carolina, May 23, 1788. 149 to 73. (Proposed 4 amendments.)
 - (9) New Hampshire, June 21, 1788. 57 to 46. (Ninth State.)
 - (10) Virginia, June 25, 1788. 89 to 79. (Proposed 20 amendments.)
 - (11) New York, July 26, 1788. 30 to 28. (Proposed 32 amendments.)
 - (12) North Carolina, November 21, 1789. 193 to 75. (Proposed 26 amendments.)
 - (13) Rhode Island, May 29, 1790. 34 to 32. (Proposed 21 amendments.)
 - 5. Government put into operation.
 - a. Closing ceremonies of old Congress.
 - b. Calling elections.
 - c. Washington and new Congress elected.
 - d. Washington inaugurated.
 - (1) Date.

- (2) Seat of new government.
 - (3) Cabinet.
 - (4) New Congress.
 - (5) Supreme Court established.
- E. Nature of government adopted.
1. Federal.
 - a. Power derived from people, not states.
 - b. Based upon written constitution.
 - c. States' rights theory. (Determined by Civil War.)
 - d. Nationalist theory. (Now prevails.)
 2. Construction of New Constitution.
 - a. Strict.
 - b. Loose, i. e., with reference to powers of government.
 3. Power delegated.
 - a. Enumerated. (In Constitution.)
 - (1) Express.
 - (2) Implied.
 - (a) Nature of grant.
 - (b) "Necessary and proper" clause. (Art. 1, Sec. 8, Clause 18.)
 - (c) Limited. (By Constitution.)
 - (d) Exclusive to the Federal Government.
 - (e) Concurrent with Federal and State Governments.
 - (f) Residuary powers. (Reserved to the states by Amendment X.)
 4. A Government of Checks and Balances.
 - a. Three departments, with well defined duties.
 - b. Checks.
 - (1) A Congress of two houses, each required to pass legislation before effective.
 - (2) Veto power of President on legislation.
 - (3) Congressional check on President by passage over veto by two-thirds majority.
 - (4) Supreme Court check upon the constitutionality of laws passed.
 - (5) Presidential and Congressional check upon Supreme Court by power of appointment, control of number of judges, salary and proposal to amend Constitution.
 - (6) Power of people through legislatures or conventions to amend Constitution.
 - (7) Election of executive and legislative officers by people.
 5. How the Federal Government Affects the Individual.
 - a. Encourages education.
 - b. Constructs irrigation and drainage projects.
 - c. Distributes information on many questions.
 - d. Homestead and land settlement laws.
 - e. Regulates freight rates through Interstate Commerce Commission.
 - f. Disseminates information for manufacturer.
 - g. Regulates corporations, combinations and trusts.
 - h. Compiles labor statistics.
 - i. Operates post office system, including parcels post, money order, and postal savings departments.
 - j. Provides for coinage of money and monetary system.
 - k. Provides a national defense, army and navy.
 - l. Conducts a health bureau.
 - m. Levies and collects indirect taxes.
 - (1) Federal estate tax.
 - (2) Income tax.
 - (3) Luxury tax.
 - (4) Manufacturer's tax. Ex. Tobacco.
 - n. Improves rivers, harbors, and assists in building roads.

F. Parts of the Constitution.

Preamble. (Introduction.)

- a. Bases government on will of people.
- b. Expresses purposes of government.
 - (1) To form a more perfect union.
 - (2) To establish justice.
 - (3) To insure domestic tranquility.
 - (4) To provide for the common defense.
 - (5) To promote the general welfare.
 - (6) To secure the blessings of liberty to ourselves and our posterity.

1. Framework of the government.

- a. Legislative Department.
 - b. Executive Department.
 - c. Judicial Department.
2. Amending Clause and Miscellaneous provisions.
3. Bill of Rights. (First ten amendments.)

G. Analysis of government under the Constitution.

1. Framework; Departments of Government.

- a. Legislative—Law making.
 - b. Executive—Law enforcing.
 - c. Judicial—Law interpreting and applying.
- *a. Legislative Department—Congress (Art. 1, Page 00).

(1) Sessions. (Sec. 4, Clause 2).*

- (a) Regular, first Monday in December.
- (b) Special at call of President. (Art. II, Sec. 3.)

(2) House of Representatives.

- (a) Elected by people in districts. (Sec. 2-4.)
- (b) Apportioned according to population. (Amendment XIV, Sec. 2.)
- (c) Term of office, (Sec. 2.)
- (d) Salary, fixed by act of Congress. (Sec. 6.)
- (e) Number according to last apportionment. (Amendment XIV, Sec. 2.)
- (f) Qualifications. (Sec. 2, Clause 2.)

1. Age.
2. Citizenship.
3. Residence.
4. Others determined by House. (Sec. 5.)

(g) Special powers of House of Representatives.

1. Originate bills for raising revenue. (Sec. 7.)
2. Bring impeachment charges. (Sec. 2, clause 5.)
3. Elect President when Electoral College fails.
4. Expel or punish its own members. (Sec. 5, Clause 2.)
5. Make its own rules, journal, etc. (Sec. 5, Clause 2-3.)
6. Elect its own presiding officer, the Speaker. (Sec. 2, Clause 5.)

(3) Senate.

- (a) Elected by people in States. (Amendment XVII.)
- (b) Apportioned according to states. (Two from each Amendment XVII.)
- (c) Term of office. (Amendment XVII.)
- (d) Salary. (Fixed by act of Congress, Sec. 6.)
- (e) Number of members. (Depend upon number of states.)

*References in this section are to Art. I of Constitution, except where otherwise stated.

Note: Three candidates receiving highest vote in the Electoral College considered. The vote is by states, the majority of the members determining the vote of the state. (Amendment XII, Sec. 1.)

- (f) Qualifications. (Sec. 3, Clause 3.)
 - 1. Age.
 - 2. Citizenship.
 - 3. Residence.
 - 4. Others determined by Senate. (Sec. 5.)
- (g) Special Powers of Senate.
 - 1. Court of impeachment. (Sec. 3, Clause 6.)
 - 2. Ratify treaties (Two-thirds vote required. Art. II, Sec. 2, Clause 2.)
 - 3. Confirm appointments of President. (Two-thirds vote required. Art. II, Sec. 2, Clause 2.)
 - 4. Elect Vice-President when Electoral College fails. Note: Two candidates receiving highest vote in Electoral College considered. (Amendment XII.)
 - 5. Expel, or punish its own members. (Sec. 5, Clause 2.)
 - 6. Make its own rules, journal, etc. (Sec. 5, Clause 2-3.)
- (h) Vice-President, ex officio, presides over Senate, but has no vote, except in case of tie. (Sec. 3, Clause 4.)
- (4) Privileges of Members. (Sec. 6.)
 - (a) Freedom from arrest, except for treason, felony, or breach of the peace.
 - 1. During attendance at sessions.
 - 2. Going to and from same.
 - (b) Not questioned elsewhere for any speech or debate in either house.
- (5) Powers of Congress. (Art. I, Sec. 8.)
 - (a) Financial powers.
 - 1. Lay and collect taxes. (Clause 1.)
 - 2. Borrow money on credit of United States. (Clause 2.)
 - 3. Coin money. (Clause 5.)
 - 4. Fix salaries of President and administrative officers. (Art. II, Sec. 1, Clause 7; Art. III, Sec. 1.)
 - 5. Regulate the value of money and of foreign coins. (Clause 5.)
 - 6. Punish counterfeiting. (Clause 6.)
 - 7. Levy income tax. (Amendment XVI.)
 - (b) Military powers.
 - 1. Define and punish piracies and felonies on the high seas. (Clause 10.)
 - 2. Declare war. (Clause 11.)
 - 3. Grant letters of marque and reprisal. (Clause 11.)
 - 4. Raise and support armies. (Clause 12.)
 - 5. Provide for and maintain navy. (Clause 13.)
 - 6. Provide for calling out militia. (Clause 15.)
 - 7. Makes rules for land and naval forces. (Clause 14.)
 - 8. Provide for organizing and disciplining the militia. (Clause 16.)
 - (c) Commercial powers.
 - 1. Regulate foreign commerce. (Clause 3.)
 - 2. Regulate interstate commerce. (Clause 3.)
 - 3. Regulate commerce with Indian tribes. (Clause 3.)
 - 4. Establish laws on bankruptcy. (Clause 4.)

5. Fix standard of weights and measures. (Clause 5.)
6. Establish post offices and post roads. (Clause 7.)
7. Grant patents and copyrights. (Clause 8.)
- (d) Miscellaneous powers.
 1. Establish courts inferior to the Supreme Court. (Clause 9.)
 2. Establish naturalization laws. (Clause 4.)
 3. Govern the District of Columbia, forts, arsenals, etc. (Clause 17.)
 4. Make all laws necessary proper for carrying into execution the foregoing powers. (Clause 18.)
 5. Regulate Elections of Senators and Representatives. (Art. I, Sec. 4.)
 6. Apportion Representatives in Congress. (Art. I, Sec. 2, Clause 3.)
 7. Cause census to be taken. (Art. I, Sec. 2, Clause 3.)
 8. Determine salary of members. (Art. I, Sec. 6.)
 9. Determine time for choosing Presidential electors. (Art. II, Sec. 1, Clause 4.)
 10. Provide for Presidential succession. (Art. II, Sec. 1, Clause 6.)
 11. Regulate appellate jurisdiction of Supreme Court. (Art. III, Sec. 2, Clause 2.)
 12. Determine place of trial for crime not committed within any state. (Art. III, Sec. 2, Clause 3.)
 13. Provide punishment for treason. (Art. III, Sec. 3, Clause 2.)
 14. Provide method for proving judicial acts, records, and proceedings of several states, and the effect thereof. (Art. IV, Sec. 1.)
 15. Admit new states to the Union. (Art. IV, Sec. 3.)
 16. Dispose of and regulate all territory and property of United States. (Art. IV, Sec. 3, Clause 2.)
 17. (a) Propose amendments. (Art. V.)
(b) Propose method of ratification by States. (Art. V.)
 18. Enforce prohibition of slavery. (Amendment XIII.)
 19. Enforce denial of powers to states. (Amendment XIV.)
 20. Enforce rights of suffrage. (Amendments XV and XIX.)
 21. Enforce prohibition of sale, manufacture and transportation of intoxicating liquors. (Amendment XVIII.)
 22. Remove disability of persons engaged in rebellion. (Amendment XIV, Sec. 3.)
- (6) Process of Law Making under the Committee System. (Sec. 7, Clause 2 and by rules of Congress.)
 - (a) Bill introduced by any member.
 - (b) Numbered.
 - (c) Referred to appropriate committee.
 - (d) Recorded in the journal and record.
 - (e) Considered by Committee.
 - (f) Reported.

1. Favorably.
 2. Unfavorably.
 3. For indefinite postponement.
 4. With amendment.
 5. Buried.
 6. Minority report.
 - (g) If favorably reported, placed on calendar.
 - (h) Considered by House, or Senate.
 - (i) Read by title and passed (or defeated).
 - (j) If passed, engrossed or enrolled.
 - (k) Signed by the presiding officer.
 - (l) Messaged to the other branch.
 - (m) Same procedure as in other House.
 - (n) If passed by a majority, signed by the presiding officer.
 - (o) Messaged to the President.
 - (p) Signed by the President, in which case it becomes a law.
 - (q) Held by the President ten days, Sundays excepted, in which case it becomes a law.
 - (r) Vetoed by the President, in which case it is returned by him to the House in which it originated with his objections.
 - (s) Called up for vote on passage over veto.
 - (t) Messaged to other branch, if passed by a two-thirds majority, with the objections of the president.
 - (u) Called up for reconsideration.
 - (v) If passed by a two-thirds majority, it becomes a law. Note: This plan is followed only theoretically since usually when a bill is introduced in the House of Representatives, a companion bill is introduced in the Senate so that the same bill may be really under consideration in both branches at the same time.
- (7) Powers denied Congress. (Art. I, Sec. 9.)
- (a) Writ of habeas corpus shall not be suspended except in time of rebellion or invasion when public good may require it. (Clause 2.)
 - (b) Pass bill of attainder. (Clause 3.)
 - (c) Pass ex post facto law. (Clause 3.)
 - (d) Levy direct taxes only according to population. (Income tax excepted by amendment XVI.)
 - (e) Levy any tax or duty on exports. (Clause 5.)
 - (f) Establish preference of ports. (Clause 6.)
 - (g) No money drawn from treasury except by appropriation (Clause 7.)
 - (h) Grant titles of nobility. (Clause 8.)
 - (i) Bill of Rights, Amendments I to X, are directly or indirectly limitations on Congress.
- (8) Powers denied the States. (Art. I, Sec. 10.)
- (a). Military.
 1. Enter into any treaty, alliance or confederation. (Clause 1.)
 2. Grant letters of marque and reprisal. (Clause 1.)
 3. Engage in war unless invaded or imminently threatened.* (Clause 3.)
 4. Enter into any compact or agreement with any other State or foreign powers.* (Clause 3.)

5. Keep troops or ships in time of war.* (Clause 3.)
- (b) Financial.
 1. Coin money (Clause 1.)
 2. Emit bills of credit. (Clause 1.)
 3. Make anything but gold or silver legal tender money. (Clause 1.)
- (c) Commercial.
 1. Pass any law impairing obligation of contract. (Clause 1.)
 2. Lay any duty upon imports or exports.* (Clause 2.)
 3. Lay any duty on tonnage.* Clause 3.)
- (d) Miscellaneous.
 1. Pass any bill of attainder. (Clause 1.)
 2. Pass any ex post facto law. (Clause 1.)
 3. Grant any title of nobility. (Clause 1.)
 4. Abridge privileges or immunities of citizens of the United States. (Amendment XIV.)
 5. Deprive any person of life, liberty, or property without due process of law. (Amendment XIV.)
 6. Deny any person equal protection of the laws. (Under numbers 6 and 7, has been construed what is commonly called class legislation.) (Amendment XIV.)
 7. Deny any person the right to vote on account of race, color, or previous condition of servitude. (Amendment XIII.)
 8. Deny any person the right to vote on account of sex. (Amendment XIX.)

b. EXECUTIVE DEPARTMENT: The President.

(Art. II, except where otherwise stated.)

- (1) Chosen by Electoral College or by House of Representatives. (Amendment XII.)
 - (a) Members of Electoral College.
 1. Chosen by people. (Sec. 2, Clause 2.)
 2. Vote for President and Vice-President on separate ballots. (Amendment XII, Sec. 2.)
 3. Meet at capitol of state and cast three ballots.
 - a. Send one to President of Senate by special messenger. (Amendment XII, Sec. 2.)
 - b. Send one to President of Senate by mail.
 - c. Deposit one with Clerk of Federal District Court in district in which they meet.
 4. Votes opened and counted by President of Senate. (Amendment XII.)
 5. Candidate having majority declared elected. (Amendment XII.)
 - (2) Election by House of Representatives, if Electoral College fails. (Amendment XII.)
 - (a) Vote by States under unit rule.
 - (b) Consider candidates, not exceeding three, having received highest vote in Electoral College.
 - (c) Candidate, to be elected, must receive majority of all States.
 - (d) If House fails by March 4, then Vice-President, newly elected, becomes President.

*Without the consent of Congress.

- (3) Qualifications. (Sec. 1, Clause 5.)
 - (a) Age.
 - (b) Citizenship.
 - (c) Residence.
- (4) Salary. (Fixed by Act of Congress, Sec. 1, Clause 7.)
- (5) Oath. (Sec. 1, Clause 8.)
- (6) Term of Office. (Sec. 1, Clause 1.)
- (7) Powers and Duties. (Sec. 2, and 3.)
 - (a) Executive.
 - 1. Commander-in-chief of army and navy. (Sec. 2, Clause 1.)
 - 2. Enforce all laws of the United States. (Sec. 3.)
 - 3. Appoints, subject to confirmation by Senate, all ambassadors, foreign ministers, cabinet officers, Federal Judges, and Departmental officers. (Sec. 2, Clause 2.)
 - 4. Receives ambassadors and ministers. (Sec. 3.)
 - 5. Makes recess appointments. (Sec. 2, Clause 3.)
 - 6. Commission all officers of United States. (Sec. 3.)
 - (b) Legislative.
 - 1. Calls special sessions of Congress. (Sec. 3.)
 - 2. Recommends legislation. (Sec. 3.)
 - 3. Passes upon all bills enacted by Congress. (Art. I, Sec. 7, Clause 2, 3.)
 - a. Sign.
 - b. Veto.
 - c. Retain over ten days.
 - 4. Makes treaties. (Subject to ratification by two-thirds of Senate.) (Sec. 2, Clause 2.)
 - 5. Adjourn Congress in case of disagreement between Houses. (Sec. 3.)
 - (c) Judicial.
 - 1. Appoints all Federal judges. (Sec. 2, Clause 2, and by statute.)
 - 2. Grants reprieves and pardons except impeachment. (Sec. 2, Clause 1.)
- (8) Removal from office.
 - (a) Impeachment. (Sec. 4.)
 - 1. Charges of impeachment by House of Representatives. (Art. I, Sec. 2, Clause 5.)
 - 2. Trial by Senate. (Art. I, Sec. 3, Clause 6.)
 - 3. Requires a vote of two-thirds of those present to convict. (Same.)
 - 4. Grounds for impeachment. (Sec. 4.)
 - (a) Treason.
 - (b) Bribery.
 - (c) Other high crimes and misdemeanors.

Vice-President.

- (1) Chosen by Electoral College, or by the Senate. (Amendment XII.)
 - (a) Electors.
(Same as President.)
- (2) Election by Senate. (Amendment XII.)
 - (a) Electoral College must fail to elect.
 - (b) Members vote independently.
 - (c) Consider candidates, not exceeding two, having received highest vote in Electoral College.
 - (d) Must receive a majority of the whole number of Senators.

- (3) Qualifications. (Amendment XII, Sec. 3.)
 - (a) Age.
 - (b) Citizenship.
 - (c) Residence.
- (4) Salary. (Fixed by Congress.)
- (5) Term of office. (Sec. 1.)
- (6) Presides over Senate. Votes in case of tie. (Art. I, Sec. 3, Clause 4.)
- (7) Cabinet. (See Iowa Off. Reg., 1923-4. p. 527.)
 - (a) Mentioned as heads of Departments in Constitution. (Art. II, Sec. 2, Clause 1.)
 - (b) Provided for by act of Congress.
 - (c) Appointed by President and confirmed by Senate.
 - (d) Removed by President.
 - (e) Salary. (Fixed by Act of Congress.)
 - (f) Departments.
 1. State.
 2. Treasury.
 3. War.
 4. Attorney General.
 5. Post Master General.
 6. Navy.
 7. Interior.
 8. Agriculture.
 9. Commerce.
 10. Labor.
 - (g) Powers and Duties, general.
 1. Appoint minor officers in the department.
 2. Issue orders not inconsistent with law governing department.
 3. Makes reports to the President or Congress.
 4. Acts as buffer between the President and the people.
 5. Hear appeals from decisions of department officers.
- 8) Organization of Departments.
 - (a) Department of State.

The Secretary and three assistant secretaries; chief clerk; counsellor; seven bureaus: Diplomatic, consular, indexes and archives, accounts, rolls and library, appointments, citizenship, trade relations; and five divisions: far-eastern affairs, near-eastern affairs, western European affairs, Latin-American affairs, and information.
 - (b) Department of the Treasury.

The Secretary and three assistant secretaries; chief clerk; supervising architect; comptroller of the treasury; auditors for the Treasury, War, Interior, Navy, State (and other departments) and Post-Office Departments; treasurer of the United States; register of the treasury, comptroller of the currency; director of the mint; commissioner of internal revenue; public health service; revenue cutter service; bureau of printing and engraving; life-saving service.
 - (c) Department of War.

Secretary of War and assistant secretary; chief clerk; general staff; adjutant-general in charge of records; inspector-general; chief of the Quartermaster's Corps (Supplies and transportation); surgeon-general; chief of engineers; chief of ordnance; judge-advocate-general; chief signal officer;

chief of the bureau of insular affairs; board of engineers for rivers and harbors; division of militia affairs.

- (d) Department of Justice.
Attorney-General; assistants; solicitor-general; solicitors for the Departments of State, Treasury; Commerce, and solicitor of internal revenue; assistant attorney-general for the Interior Department; chief clerk; division of accounts; attorney in charge of pardons; appointment and disbursing clerks; superintendent of prisons; chief of division of investigations; public land division.
 - (e) Post-Office Department.
Postmaster-General and four assistant postmasters-general; chief clerk; assistant attorney-general; purchasing agent; chief inspector; director of postal savings system.
 - (f) Department of the Navy.
Secretary and assistant secretary; chief clerk; eight bureaus: Navigation, yards and docks, ordnance, construction and repair, steam engineering, medicine and surgery, supplies and accounts; judge-advocate-general; commandant of the marine corps; solicitor.
 - (g) Department of the Interior.
Secretary of the Interior and two assistant secretaries; chief clerk; commissioner of patents; pensions; land office; Indian affairs; education, geological survey; and reclamation service; bureau of mines.
 - (h) Department of Agriculture.
Secretary of Agriculture and assistant secretary; chief clerk; solicitor, appointment clerk; animal industry, weather, chemistry, statistics, accounts and disbursements, entomology, soils, biological survey, plant industry; office of public roads; division of publications; librarian of the department; office of experiment stations; forest service.
 - (i) Department of Commerce.
Secretary of Commerce; assistant secretary; chief clerk and disbursing clerk; divisions of appointments, publications and supplies; bureaus of corporations, foreign and domestic commerce, census, fisheries, navigation, and standards; coast and geodetic survey; lighthouse bureau; steamboat inspection service.
 - (j) Department of Labor.
Bureaus: immigration, naturalization, labor statistics, and children.
- (9) Presidential Succession. (Sec. 1, Clause 6.)
- (a) Upon death, removal or disability of the President.
 - 1. Under Constitution.
 - a. Vice-President.
 - 2. Under Statutes.
 - a. Cabinet officers as named on pages 26-27. The Secretary of Agriculture and those following him are not included because the departments were created since the succession act was passed.

- (10) Boards and Commissions.
 - (a) Civil Service Commission.
 - 1. Established 1883—three members.
 - 2. Provides rules of examination for appointive officers.
 - 3. Investigates violation of laws affecting office holding.
 - 4. Non-Partisan, appointed by President, confirmed by Senate.
 - 5. Established following murder of Garfield by a disappointed office seeker.
 - (b) Interstate Commerce Commission.
 - 1. Established in 1887—nine members.
 - 2. Jurisdiction of matters arising under the law governing railroads, telegraph, express, telephone and sleeping car companies, and oil pipe lines engaged in interstate commerce.
 - 3. Investigates violations of these laws.
 - 4. Supervises changes in rates charged by these companies.
 - 5. Appointed by President without regard to politics and confirmed by Senate.
 - (c) Federal Reserve Board.
 - 1. Created in 1913.
 - 2. Consists of seven members.
 - a. Secretary of Treasury and Comptroller of Currency.
 - b. Five appointed by President and confirmed by Senate.
 - 3. Has general supervision over Federal Reserve System.
 - (d) Federal Trade Commission.
 - 1. Created in 1914.
 - 2. Consists of five members, appointed by President and confirmed by Senate.
 - 3. Regulates, under statutes, persons, partnerships and corporations doing interstate business. (Banks and carriers excepted.)
 - (e) Miscellaneous.
 - 1. Federal Farm Loan Board. 1916.
 - 2. United States Tariff Commission. 1916.
 - 3. The United States Shipping Board. 1916.
 - 4. Federal Board for Vocational Education. 1917.
 - 5. The United States Railway Labor Board. 1920.
- c. Judicial Department. (Art. III, Except where otherwise specified.)
 - (1) Provided by Constitution. (Sec. 1.)
 - Supreme Court. (See Iowa Off. Reg., 1923-4, p. 527.)
 - (a) Members on bench.
 - (b) Qualifications.
 - 1. Determined by the President and Senate.
 - 2. Practicing attorney in courts of United States.
 - (c) Appointed by President and confirmed by Senate.
 - (d) Tenure of office. (Sec. 1.)
 - 1. Life or during good behavior. May retire on full pay at 70 years of age if they have been ten years on the bench.
 - (e) Subject to impeachment and removal upon conviction. (Art. II, Sec. 4.)
 - (f) Jurisdiction. (Sec. 2, Clause 1.)

1. Original.
 - a. All cases affecting ambassadors, public ministers, consuls and their servants.
 - b. Cases between two or more States.
 2. Appellate.
 - a. All cases arising under the Constitution, laws and treaties made in accordance therewith.
 - b. Cases of admiralty and maritime jurisdiction.
 - c. Controversies in which United States is a party.
 - d. Cases in which a state is a party.
 - e. Cases of a State against citizens of another State. (Amendment XI.)
 - f. Cases between citizens of different States.
 - g. Cases between a State, or citizens thereof, and a foreign State, citizens or subjects. (Amendment XI.)
 - h. Cases between citizens of the same State claiming under land grants of different States.
 - i. Enforce Constitution as against law of Congress when litigants claim adversely under them.*
- (g) Methods of Trial. (Sec. 2, Clause 3.)
1. Shall be by jury. (Impeachment excepted.)
 2. Shall be in the State and District where crime was committed.
 3. When not committed in any state then Congress may determine place.
 4. Treason defined. (Sec. 3.)
 5. Conviction of treason requires two witnesses to same overt act. (Sec. 3.)
- (2) Established by Congress (Page 542, Iowa Off. Register, 1923-24).
- (a) Circuit Court of Appeals.
1. Eight circuits.
 2. Judges.
 - a. Appointed by President.
 - b. Confirmed by Senate.

*Note: There has been much criticism on this power known as the power of judicial review, or the power of the Courts to declare a law of Congress unconstitutional.

The power is both within the intention of the framers of the constitution and the inherent nature of the instrument and the government established.

The substance of the intention of the framers of the constitution is summed up in the statement of James Wilson, delegate to the Constitutional Convention of 1787 which follows:

"If a law is made inconsistent with those powers vested by this instrument in Congress, the judges, as a consequence of their independence, and the particular powers of government being defined, will declare such law to be null and void, for the power of the constitution predominates; anything, therefore, that shall be enacted by Congress contrary thereto, will not have the force of law."

In construing the power of the Court, Chief Justice Marshall said:

"The government of the United States is established by the people that have established certain limits upon it. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the constitution was written. The Constitution is either a superior paramount law or it is on a level with ordinary legislative acts. If the former be true then a legislative act contrary to the constitution is not law; if the latter be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable."

"The courts are bound to give effect to the law. It is emphatically the province and duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule.

- c. Term, life or good behavior.
 - d. Salary, (Fixed by Congress).
 - (b) District.
 - 1. Northern Iowa.
 - 2. Southern Iowa.
 - 3. Judges.
 - a. Appointed by President.
 - b. Confirmed by Senate.
 - c. Term, life or good behavior.
 - d. Salary. (Fixed by Congress.)
- 2. Amending Clause and Miscellaneous Provisions.
 - a. Amendments. (Art. V.)
 - (1) Proposed.
 - (a) By two-thirds of Congress, both houses; or,
 - (b) By a National Convention called by Congress at the request of the Legislatures of two-thirds of the states.
 - (2) Ratified.
 - (a) By legislatures of three-fourths of states; or,
 - (b) By special Convention in three-fourths of states. Note: Congress may propose which method of ratification may be used. All amendments have been proposed by two-thirds of Congress and ratified by state legislatures.
 - b. Relation of States. (Art. IV.)
 - (1) Full faith and credit given in each state to public acts, records and judicial proceedings of every other State. (If such does not contravene public policy of the state.) (Sec. 1.)
 - (2) Rights and restrictions of citizens.
 - (a) Entitled to privileges and immunities of the citizens of the several states. (Sec. 2, Clause 1.)
 - (b) Fugitive from justice returned for trial. (Only upon consent of governor of state to which fugitive has fled, since no one can compel governor to act.) (Sec. 2, Clause 2.)
 - (c) Fugitive from service or labor returned to such service or labor. (Same, Clause 3.)
 - c. New States and National Possessions.
 - (1) Admitted by Congress. (Sec. 3, Clause 1.)
 - (a) Shall not be formed within any other state. (Same.)

"So if a law be in opposition to the Constitution; if both the law and the constitution apply to a particular case, so that the court must decide that case conformably to the law, disregarding the constitution, or conformably to the constitution, disregarding the law, the court must determine which of these conflicting rules governs the case. This is the very essence of Judicial duty.

"It is declared that 'no tax or duty shall be laid upon articles exported from any state' (Art. 1, Sec. 9, Clause 5). Suppose a duty on the export of cotton, of tobacco, or of flour; and a suit instituted to recover it. Ought judgment to be rendered in such case? Ought the judges to close their eyes to the Constitution and only see the law?

"No person," says the Constitution, "shall be convicted of treason unless upon the testimony of two witnesses to the same overt act."

Here the language of the Constitution is addressed especially to the courts. It prescribes, directly for them, a rule of evidence not to be departed from. If the legislature should change the rule and declare one witness sufficient for conviction, must the constitutional principle yield to the legislative act? The judges are bound by oath to support the Constitution. They must support and enforce it even if against the law of Congress, or violate what they swear to support." *Marbury vs. Madison*, 1 Curtis 368. 1803.

It is very evident that the whole force of the written constitution limiting the powers of Congress would be completely destroyed if Congress may legislate at will. Since it is the duty of the judicial department to apply the general law to the particular facts of a given case, it is their sworn duty to enforce the Constitution if it applies to those facts.

The Courts do not pass upon the constitutionality of laws passed by Congress unless called upon by litigants to do so. It is very elementary, however, that if two parties come before the Court, one claiming under the Constitution, and the other claiming under the law, that the courts must apply and enforce the Constitution, if it so applies to the case.

- (b) Shall not be formed by junction of two or more states or parts of state without consent of state legislatures. (Same.)
 - (2) Congress has control over all property of United States. (Sec. 3, Clause 2.)
 - (3) United States guarantees republican form of government. (Sec. 4.)
 - (4) United States guarantees against invasion, and against domestic violence upon request. (Sec. 4.)
 - d. Authority of Constitution. (Art. VI.)
 - (1) All debts of the Confederation validated. (Sec. 1.)
 - (2) Constitution, treaties and laws of the United States made in pursuance therewith are supreme law of land. (Sec. 2.)
 - (3) All legislative, executive, and judicial officers, both of the United States and of the several states bound by oath to support this Constitution. (Sec. 3.)
 - (4) No religious test required as a qualification for office or public trust. (Sec. 3.)
 - e. Ratification. (Art. VII.)
 - (1) Effective when ratified by nine states, among the states so ratifying. (For ratification, see page 00.)
3. Bill of Rights, or protection and immunities of human rights, as set out in the first ten amendments.
- (1) Guarantees rights.
 - (a) Freedom of worship.
 - (b) Freedom of speech.
 - (c) Freedom of press.
 - (d) Right of peaceable assemblage.
 - (e) Right of petition.
 - (2) Guarantees right to keep and bear arms.
 - (3) Guarantees against quartering of troops.
 - (4) Guarantees security in
 - (a) Persons.
 - (b) Houses.
 - (c) Papers and effects against unreasonable searches and seizures.
 - (5) Security against government.
 - (a) Grand jury investigation and indictment before trial of accused.
 - (b) Jeopardy once only for same offense.
 - (c) Not forced to be a witness against himself.
 - (d) Due process of law when life, liberty or property is questioned.
 - (e) Just compensation for private property taken for public use.
 - (6) Rights of accused persons.
 - (a) To have trial by jury in state and district where crime was committed.
 - (b) To be informed of charges.
 - (c) To be confronted by witnesses.
 - (d) To have power to call witnesses in his behalf.
 - (e) To have counsel to defend him if he is not able to employ same.
 - (7) Jury trial in civil cases.
 - (a) Where amount exceeds \$20.
 - (8) Bail and punishments prohibited.
 - (a) Excessive bail.
 - (b) Excessive fines.
 - (c) Cruel and unusual punishments.
 - (9) Unmentioned rights.
 - (a) All retained by people.

- (10) Powers reserved to state.
 - (a) All not delegated to United States nor prohibited to the states. (Note: The first ten amendments have been held to apply to the Federal Government only. They were proposed by the Massachusetts convention called to ratify the constitution, as a result of a letter written by Washington to friends in Boston in which he urged that if the constitution were adopted the door was open to peaceable and orderly amendment.) Ratified 1791.
- 4. Further amendments.
 - (11) Abolished jurisdiction of Federal Courts in suits against state by citizen of another state or of foreign state.
 - (12) Election of President and Vice President.
 - (13) Abolished slavery in United States.
 - (14) Defines and establishes civil and political rights.
 - (a) Defines citizenship.
 - (b) Guarantees privileges and immunities against states.
 - (c) Guarantees equal protection of laws.
 - (d) Guarantees life, liberty and property except by due process of law.
 - (e) Apportionment of representatives.
 - (f) Loss of political privilege.
 - (g) Public debt for suppressing insurrection.
 - (15) Suffrage not denied on account of race, color, or previous condition of servitude.
 - (16) Empowered Congress to levy tax on incomes.
 - (17) Provides for direct election of Senators.
 - (18) Prohibits manufacture, sale, transportation, importation or exportation of intoxicating liquors for beverage purposes.
 - (19) Suffrage not denied on account of sex.

THE GOVERNMENT OF IOWA—INTRODUCTION

While the Federal Government acts directly upon the individual citizen, yet in principle and in practice it interferes as little as possible with the activities of the smaller but no less important unit, the state or commonwealth. The progress of a century and quarter has proven that the fears of national encroachment upon the states on the part of the Individualists in the Constitutional Convention were groundless, and that the dual relationship of state and nation can be successfully operated. Jefferson said, "that government is best which governs least." He might have said that the national, state, or community government is best where each individual exercises such self control and self government, and so respects the rights of others, and the duly elected officers of government, that little or no interference need be made with the activities of anyone.

Much has been said of late regarding the turning back of duties and functions to the state governments. It has been the tendency for some time to place the responsibility for all our ills and for the laxity of law enforcement, especially since the great war, upon the national government. The best sign (in the writer's opinion) in a generation of American politics and government was the action of the President in turning over to the Governor of Pennsylvania the settlement of the Anthracite Coal Strike in 1923, and his reply to the governors at the prohibition conference in October, 1923, when they demanded of him more vigor in the enforcement of the prohibitory amendment, which might well have been in substance as follows: "Gentlemen, I greet you. I, too, have been the governor of a great state and I realize the importance of your duties and obligations. You have taken the same oath to enforce the Constitution and laws of the United States that I have taken. Go home and do your duty. You shall have at your command and for your assistance all the forces of the Federal Government which are within my power."

The State of Iowa is a great commonwealth, having for its boundaries, two of the greatest rivers of the world, and lying between them the most wonderful stretches of prairies and fertile fields in existence. It has a government based upon a written constitution which is as great in its guarantees to individual freedom and individual liberty as any instrument of its kind among the governments of the world. Its officeholders have been, without exception, an honor to the state and nation which they have served. We have had little of political corruption or political bickering, and the study of our state government can reveal nothing pride in our citizenship.

It will be noted in taking up the study of state government that the powers of the state and its various departments are much more limited than the powers of the national government. This is due to the fact that the state government inherently possesses all power, that is, it may legislate upon any subject not prohibited by the Federal Constitution or by the State Constitution. It will be recalled that the tenth amendment of the Federal Constitution "reserved all power not delegated to the Federal Government to the states and to the people." The nature of the government and its power is said to be "residuary."

With these facts in mind, a diligent study of the form and operation of our state government and its constitution is urged upon you.

CONSTITUTION OF THE STATE OF IOWA*

PREAMBLE

We, the people of the State of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi River, at a point due east of the middle of the mouth of the main channel of the Des Moines River, thence up the middle of the main channel of the said Des Moines River, to a point on said river where the northern boundary line of the State of Missouri—as established by the constitution of that state—adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines River; thence westwardly along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri River, thence up the middle of the main channel of the said Missouri River to a point opposite the middle of the main channel of the Big Sioux River, according to Nicollett's map; thence up the main channel of the said Big Sioux River, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes until said parallel intersects the middle of the main channel of the Mississippi River, thence down the middle of the main channel of said Mississippi River to the place of beginning.

ARTICLE I—BILL OF RIGHTS

SECTION 1. All men are by nature, free and equal, and have certain inalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or the maintenances of any minister, or ministry.

SEC. 4. No religious test shall be required as a qualification for any office, or public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law, or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceedings shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

SEC. 5. Any citizen of this state who may hereafter be engaged, either directly, or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this state.

SEC. 6. All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms shall not equally belong to all citizens.

*Rewritten to give effect to amendments adopted.

SEC. 7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 9. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

SEC. 10. In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him, to have compulsory process for his witnesses; and, to have the assistance of counsel.

SEC. 11. All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army, or navy, or in the militia, when in actual service, in time of war or public danger; *or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury. The grand jury may consist of any number of persons, not less than five, nor more than fifteen, as the general assembly may by law provide. (*As amended 1884.)

SEC. 12. No person shall, after acquittal, be tried for the same offense. All persons, shall before conviction, be bailable, by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great.

SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion, or invasion, when the public safety may require it.

SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 16. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of

the improvement for which it is taken. *The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The General assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation. (As amended, *1908.)

SEC. 19. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in case of fraud; and no person shall be imprisoned for militia fine in time of peace.

SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives and to petition for a redress of grievances.

SEC. 21. No bill of Attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 22. Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native born citizens.

SEC. 23. There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.

SEC. 24. No lease or grant of agricultural lands, reserving any rent, or service of any kind, shall be valid for a longer period than twenty years.

SEC. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE II. RIGHT OF SUFFRAGE

SECTION 1. Every (white male) citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state six months preceding the election, and of the county in which he claims his vote sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. (Amended 1868 Federal Amendment XIX.)

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war, or public danger.

SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place, or station within this state.

SEC. 5. No idiot, or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

SEC. 6. All elections by the people shall be by ballot.

SEC. 7. *The general election for state, district, county and township officers in the year 1916 shall be held in the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide. (As amended *1916.)

ARTICLE III. OF THE DISTRIBUTION OF POWERS

SECTION 1. The powers of the government of Iowa shall be divided into three separate departments—the legislative, the executive, and the judicial;

and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT

SECTION 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives; and the style of every law shall be, "Be it enacted by the General Assembly of the State of Iowa."

SEC. 2. The sessions of the general assembly, shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the governor of the state, shall, in the meantime, convene the general assembly by proclamation.

SEC. 3. The members of the house of representatives shall be chosen every second year, by the qualified electors of the respective districts, at the general election in the year 1916 the same month and on the same day as that fixed by the laws of the United States for the election of presidential electors, or of the president and vice-president of the United States; and thereafter such election shall be held at such time as the general assembly may by law provide; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified. (As amended 1884 and 1916.)

SEC. 4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a (free white) male citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election and at the time of his election shall have had an actual residence of sixty days in the county, or district he may have chosen to represent. (As amended 1880.)

SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship. *Query:* Is a woman qualified for the senate?

SEC. 6. The number of senators shall not be less than one-third, nor more than one-half the representative body; and shall be classified by lot, that one class, being as nearly one-half as possible, shall be elected every two years. When the number of senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

SEC. 7. Each house shall choose its own officers, and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

SEC. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules or proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the general assembly of a free and independent state.

SEC. 10. Every member of the general assembly shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

SEC. 11. Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.

SEC. 12. When vacancies occur in either house, the governor or the person exercising the functions of governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses shall be signed by the speaker and the president of their respective houses.

SEC. 16. Every bill which shall have passed the general assembly, shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the general assembly, by adjournment, prevent such return. Any bill submitted to the governor for his approval during the last three days of a session of the general assembly, shall be deposited by him in the office of the secretary of state within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the general assembly.

SEC. 19. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 20. The governor, judges of the supreme and district courts, and other state officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit, under state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

SEC. 21. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

SEC. 22. No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster whose

compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

SEC. 23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to hold any office of trust or profit in this state, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

SEC. 25. Each member of the first general assembly under this constitution, shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled, in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no general assembly shall have power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation, as fixed by law for the regular session, and none other.

SEC. 26. No law of the general assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session, shall take effect ninety days after the adjournment of the general assembly by which they were passed. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

SEC. 27. No divorce shall be granted by the general assembly.

SEC. 28. No lottery shall be authorized by this state; nor shall the sale of lottery tickets be allowed.

SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 30. The general assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes for state, county or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local, or private purposes, unless such appropriation, compensation, or claim, be allowed by two-thirds of the members elected to each branch of the general assembly.

SEC. 32. Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm (as the case may be),

that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be), according to the best of my ability." And members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

SEC. 33. The general assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the (white) inhabitants of the state. (As amended, 1868.)

SEC. 34. The senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census. (As amended 1904, Sec. 2.)

SEC. 35. The house of representatives shall consist of not more than one hundred and eight members. The ratio of presentation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three-fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population. (Same.)

SEC. 36. The general assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as herein before required. (As amended 1904.)

SEC. 37. When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

SEC. 38. In all elections by the general assembly, the members thereof shall vote viva voce and the votes shall be entered on the journal.

ARTICLE IV. EXECUTIVE DEPARTMENT

SECTION 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the State of Iowa.

SEC. 2. The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

SEC. 3. There shall be a lieutenant governor, who shall hold his office two years, and be elected at the same time as the governor. In voting for governor and lieutenant governor, the electors shall designate for whom they vote as governor, and for whom as lieutenant governor. The returns of every election for governor and lieutenant governor, shall be sealed up and transmitted to the seat of government of the state, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly.

SEC. 4. The persons respectively having the highest number of votes for governor and lieutenant governor, shall be declared duly elected; but in case two or more persons shall have an equal and the highest

number of votes for either office, the general assembly shall, by joint vote, forthwith proceed to elect one of said persons governor, or lieutenant governor, as the case may be.

SEC. 5. Contested elections for governor, or lieutenant governor, shall be determined by the general assembly in such manner as may be prescribed by law.

SEC. 6. No person shall be eligible to the office of governor, or lieutenant governor, who shall not have been a citizen of the United States, and a resident of the state, two years next preceding the election, and attained the age of thirty years at the time of said election.

SEC. 7. The governor shall be commander in chief of the militia, the army, and navy of this state.

SEC. 8. He shall transmit all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 9. He shall take care that the laws are faithfully executed.

SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election of the people.

SEC. 11. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 12. He shall communicate, by message, to the general assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.

SEC. 13. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next general assembly.

SEC. 14. No person shall, while holding any office under the authority of the United States, or this state, execute the office of governor, or lieutenant governor, except as hereinafter expressly provided.

SEC. 15. The official term of the governor, and lieutenant governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The lieutenant governor, while acting as governor, shall receive the same pay as provided for governor; and while presiding in the senate, shall receive as compensation therefor, the same mileage and double the per diem pay provided for a senator, and none other.

SEC. 16. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the general assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the power and the duties of

the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

SEC. 18. The lieutenant governor shall be president of the senate, but shall only vote when the senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

SEC. 19. If the lieutenant governor, while acting as governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office the president pro tempore of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall evolve upon the speaker of the house of representatives.

SEC. 20. There shall be a seal of this state, which shall be kept by the governor, and used by him officially and shall be called the great seal of the State of Iowa.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SEC. 22. A secretary of state, auditor of state, and treasurer of state, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.

ARTICLE V. JUDICIAL DEPARTMENT

SECTION 1. The judicial power shall be vested in a supreme court, district courts, and such other courts, inferior to the supreme court, as the general assembly, may from time to time establish.

SEC. 2. The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court. (Increased by General Assembly. See Section 10 hereof.)

SEC. 3. The judges of the supreme court shall be elected by the qualified electors of the state, and shall hold their court at such time and place as the general assembly may prescribe. The judges of the supreme court so elected, shall be classified so that one judge shall go out of office every two years; and the judge holding the shortest term of office under such classification, shall be chief justice of the court, during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each judge of the supreme court shall be six years, and until his successor shall have been elected and qualified. The judges of the supreme court shall be ineligible to any other office in the state, during the term for which they shall have been elected.

SEC. 4. The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may, by law, prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the state.

SEC. 5. The district court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the district court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of judge of the supreme court, during the term for which he was elected.

SEC. 6. The district court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil

and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.

SEC. 7. The judges of the supreme and district courts shall be conservators of the peace throughout the state.

SEC. 8. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 9. The salary of each judge of the supreme court shall be two thousand dollars per annum; and that of each district judge, one thousand six hundred dollars per annum; until the year eighteen hundred and sixty; after which time, they shall severally receive such compensation as the general assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected.

SEC. 10. At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of the said courts increased or diminished; and the general assembly may increase the number of judges of the supreme court; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office. (As amended 1884.)

SEC. 11. The judges of the supreme and district courts shall be chosen at the general election; and the term of office of each judge shall commence on the first day of January next after his election.

SEC. 12. The general assembly shall provide, by law, for the election of an attorney general by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

SEC. 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and who shall hold his office for two years, and until his successor shall have been elected and qualified. (As amended 1884, Sec. 4.)

SEC. 14. It shall be the duty of the general assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the courts of this state.

ARTICLE VI. MILITIA

SEC. 1. The militia of this state shall be composed of all able-bodied (white) male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the general assembly may provide by law. (As amended 1868.)

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace: Provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

SEC. 3. All commissioned officers of the militia, (staff officers excepted), shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE VII. STATE DEBTS

SECTION 1. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, or corporation; and the state shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the state.

SEC. 2. The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 3. All losses to the permanent, school, or university fund of this state, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state, in favor of the respective fund sustaining the loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SEC. 4. In addition to the above limited power to contract debts, the state may contract debts to repel invasions, suppress insurrection, or defend the state in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by, or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

SEC. 6. The legislature may, at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may, at any time, forbid the contracting of any further debt, or liability, under such law; but the tax imposed by such law, in proportion to the debt or liability, which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE VIII. CORPORATIONS

SECTION 1. No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

SEC. 2. The property of all corporations for pecuniary profit, shall be subject to taxation the same as that of individuals.

SEC. 3. The state shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war for the benefit of the state.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SEC. 5. No act of the general assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto shall take effect, or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SEC. 6. Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a state bank with branches.

SEC. 7. If a state bank be established, it shall be founded on an actual specie basis, and branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

SEC. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of state, of all bills, or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in United States stocks, or in interest paying stocks of states in good credit and standing, to be rated at ten per cent below their average value in the City of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of said stocks, to the amount of ten per cent on the dollar, the bank or banks owning such stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer, and to whom.

SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held for all of its liabilities, accruing while he or she remains such stockholder.

SEC. 10. In case of the insolvency of any banking institution, the billholders shall have a preference over its other creditors.

SEC. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

SEC. 12. Subject to the provisions of this article, the general assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the general assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX. EDUCATION AND SCHOOL LANDS

1st. Education

Sections 1-15 covering the Board of Education were repealed and the Board of Education therein provided for was abolished by the 10th G. A. as provided by Section 15 of this article.

2nd. School Funds and School Lands

SECTION 1. The educational and school funds and lands, shall be under the control and management of the general assembly of this state.

SEC. 2. The university lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

SEC. 3. The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be

granted by the United States to this state, for the support of schools, which may have been, or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent, as has been or may hereafter be granted by congress, on the sale of lands in this state, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

SEC. 4. The money which may have been or shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which said money is paid or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the board of education shall from time to time provide.

SEC. 5. The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved, or granted by the United States, or any person or persons, to this state, for the use of the university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be, and remain, a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the general assembly as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

SEC. 6. The financial agents of the school funds shall be the same, that by law, receive and control the state and county revenue for other civil purposes, under such regulations as may be provided by law.

SEC. 7. The money subject to the support and maintenance of common schools, shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the general assembly.

ARTICLE X. AMENDMENTS TO THE CONSTITUTION

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so chosen next as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may, by law, provide, the question, "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly, at its next session, shall provide by law for the election of delegates to such convention.

ARTICLE XI. MISCELLANEOUS

SECTION 1. The jurisdiction of justices of the peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it, along the northern boundary of this state, may be organized without additional territory.

SEC. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness.

SEC. 4. The boundaries of the state may be enlarged, with the consent of congress and the general assembly.

SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall hold until the next general election, and until their successors are elected and qualified.

SEC. 7. The general assembly shall not locate any of the public lands, which have been, or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupants, so exempted, shall not exceed three hundred and twenty acres.

SEC. 8. The seat of government is hereby permanently established as now fixed by law, at the city of Des Moines, in the county of Polk; and the state university at Iowa City, in the county of Johnson.

ARTICLE XII. SCHEDULE

SECTION 1. This constitution shall be the supreme law of the state, and any law inconsistent therewith, shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. All laws now in force and not inconsistent with this constitution, shall remain in force until they shall expire or be repealed.

SEC. 3. All indictments, prosecutions, suits, pleas, plaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari,

and injunctions, shall be carried on in the several courts, in the same manner as now provided by law; and all offenses, misdemeanors, and crimes that may have been committed before the taking effect of this constitution, shall be subject to indictment, trial and punishment, in the same manner as they have been, had not this constitution been made.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the state, or to any county therein, or to the school fund, shall inure to the state, county, or school funds, in the manner prescribed by law.

SEC. 5. All bonds executed to the state, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6. The first election under the constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the state shall elect the governor and lieutenant governor. There shall also be elected at such election, the successors of such state senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and the members of the house of representatives, who shall be elected in accordance with the act of apportionment enacted at the session of the general assembly which commenced on the first Monday of December one thousand eight hundred and fifty-six.

SEC. 7. The first election for secretary, auditor, and treasurer of state, attorney general, district judges, members of the board of education, district attorneys, members of congress and such state officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven, (except the superintendent of public instruction) and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except prosecuting attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: Provided, that the time for which any district judge or other state or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election in the year one thousand eight hundred and fifty-eight.

SEC. 8. The first election for judges of the supreme court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SEC. 9. The first regular session of the general assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine at which time their successors shall be elected as may be prescribed by law.

SEC. 11. Every person elected by popular vote, by vote of the general assembly, or who may hold office by executive appointment, which office is continued by this constitution, and every person who shall be so elected or appointed, to any such office, before the taking effect of this constitution, (except as in this constitution otherwise provided,) shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no person shall continue in office after the taking effect of this constitution, for a longer period than the term of such office, in this constitution prescribed.

SEC. 12. The general assembly, at the first session under this constitution, shall district the state into eleven judicial districts, for district court purposes; and shall also provide for the apportionment of the

members of the general assembly, in accordance with the provisions of this constitution.

SEC. 13. This constitution shall be submitted to the electors of the state at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New Constitution—Yes." Those against the constitution, "New Constitution—No." The election shall be conducted in the same manner as the general election of the state, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the secretary of state, which abstracts shall be canvassed in the manner provided for the canvass of state officers. And if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation.

SEC. 14.* At the same election that this constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white," from the article on the "right of suffrage," shall be separately submitted to the electors of this state for adoption or rejection, in the manner following, viz.: A separate ballot may be given every person having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "shall the word 'white' be stricken out of the article on the 'right of suffrage?' yes." And those given against the proposition shall have the words, "shall the word 'white' be stricken out of the article on the 'right of suffrage?' no." And if at said election the number of ballots cast in favor of said proposition, shall be equal to a majority of those cast for and against this constitution, then said word "white" shall be stricken from said article and be no part thereof. *(This section was rejected Aug. 3, 1857.)

SEC. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the sixth judicial district of this state.

SEC. 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, a lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire on December 31st, in odd numbered years, and all other elective state, county and township officers whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and five, are hereby extended one year and until their successors are elected and qualified. The terms of offices of senators whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are elected and qualified. The general assembly shall make such changes in the law governing the time of election and term of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general

assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January, in the year one thousand nine hundred and seven, and biennially thereafter. (As amended 1904.)

Done in convention at Iowa City, this fifth day of March in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America, the eighty-first.

In testimony whereof we have hereunto subscribed our names.

Timothy Day	J. C. Hall	J. C. Traer
S. G. Winchester	John H. Peters	James F. Wilson
David Bunker	Wm. H. Warren	Amos Harris
D. P. Palmer	H. W. Gray	Jno. T. Clark
Geo. W. Ells	Robt. Gower	S. Ayers
Harvey J. Skiff	R. L. B. Clarke	Wm. Patterson
J. A. Parvin	James A. Young	D. W. Price
W. Penn Clarke	D. H. Solomon	Alpheus Scott
H. D. Gibson	M. W. Robinson	George Gillaspay
Thomas Seely	Lewis Todhunter	Edward Johnston
A. H. Marvin	John Edwards	Aylett R. Cotton
J. H. Emerson	Jeremiah Hollingsworth	
	Francis Springer, President	

Attest: Thos. J. Saunders, Secretary.
E. N. Bates, Asst. Secretary.

PROCLAMATION

Whereas an instrument known as the "New Constitution of the State of Iowa" adopted by the constitutional convention of said state on the fifth day of March, A. D. 1857, was submitted to the qualified electors of said state at the annual election held on Monday, the third day of August, 1857, for their approval or rejection.

And whereas an official canvass of the votes cast at said election shows that there were forty thousand three hundred and eleven votes cast for the adoption of said constitution and thirty-eight thousand six hundred and eighty-one votes were cast against its adoption leaving a majority of sixteen hundred and thirty votes in favor of its adoption.

Now, therefore, I, James W. Grimes, Governor of said state, by virtue of the authority conferred upon me, hereby declare the said new constitution to be adopted, and declare it to be the supreme law of the state of Iowa.

In testimony whereof I have hereunto set my hand and affixed the great seal of the state of Iowa.

Done at Iowa City this third day of September, A. D. 1857 of the Independence of the United States the eighty-second and of the state of Iowa the eleventh.

L. S.

James W. Grimes.

By the Governor
Elijah Sells, Secretary of State.

EARLY GOVERNMENT*

- A. Original sovereignty.
 - 1. France by discovery and exploration.
- B. Transfer of sovereignty.
 - 1. To Spain by France, 1762.
 - 2. To France by Spain, 1800.
 - 3. To United States by France, 1803. (Louisiana Purchase.)
- C. Organized as Territory of United States.
 - 1. Indiana Territory1803-1805
 - 2. Louisiana Territory1805-1812
 - 3. Missouri Territory1812-1821
 - 4. Unorganized1821-1834
 - 5. Michigan Territory1834-1836
 - 6. Wisconsin Territory1836-1838
 - 7. IOWA TERRITORY organized July 4, 1838. (Contained all territory west of the Mississippi, east of the White Earth and Missouri Rivers and north of the boundary of the state of Missouri.)
- D. Iowa admitted as a State.
 - 1. Constitution adopted August 3, 1846.
 - 2. Approved by Congress and admitted December 28, 1846. (With present boundaries.)
- E. Present Constitution adopted 1857.
 - 1. Circumstances leading to convention.
 - a. Dissatisfaction with Constitution of 1846.
 - (1) Prohibited banks.
 - (2) Adopted as a matter of expediency with tacit understanding that it would be amended.
 - (3) Flooding of state with worthless paper currency from other states and the destruction of credit.
 - (4) Indirect tax paid to foreign banks on money circulated.
 - b. Question of amendment or revision by convention became a campaign issue.
 - (1) Advocates of convention lost in 1848.
 - (2) Won in 1854.
 - c. Proposition of calling convention.
 - (1) Submitted by General Assembly, January, 1855.
 - (2) Approved by electors, August, 1856.
 - (3) Carried by majority of 18,628.
 - 2. Convention at Iowa City, January 19, to March 5, 1857.
 - a. Delegates.
 - (1) Numbered 36.
 - (2) Average age 40 years.
 - (3) Experienced in affairs of state.
 - b. The Proposed Constitution.
 - (1) Revision of that of 1846.
 - (2) More complete and detailed.
 - (3) Provided for general banking law.
 - (4) Amplified the Bill of Rights.
 - (5) Added provision for Lieutenant Governor.
 - (6) Enumerated cases in which General Assembly shall not pass special laws.
 - (7) Provided for election of Judges of Supreme Court by electors instead of by General Assembly.
 - (8) Removed some restrictions upon corporations.
 - (9) Allowed, but limited, contractual indebtedness.
 - 3. Approved by majority of 1,630, August 3, 1857.
 - 4. Proclaimed in force, September 3, 1857.

*For early history see Iowa Off. Reg. 1923-24, Page 17.

THE CONSTITUTION OF IOWA

SUMMARY

Preamble.

Articles:

1. Bill of Rights.
2. Right of Suffrage.
3. Distribution of Powers.
Legislative Department.
4. Executive Department.
5. Judicial Department.
6. Militia.
7. State Debts.
8. Corporations.
9. Education and School Lands.
10. Amending Clause.
11. Miscellaneous.
12. Schedule.

ANALYSIS

PREAMBLE.

1. Expresses gratitude to Supreme Being.
2. Expresses dependence on Him.
3. Ordains and establishes free and independent government by name of State of Iowa.
4. Describes boundaries of State.

A. BILL OF RIGHTS. (Art. 1.)

1. Rights of persons.
 - a. All men by nature free and equal.
 - b. Enjoy and defend life and liberty.
 - c. Acquire, possess and protect property.
 - d. Pursue and obtain safety and happiness.
2. Political power.
 - a. Inherent in people.
 - b. Government established for their benefit.
 - c. They have the right to alter or reform same when public good may require it.
3. Religious freedom.
 - a. No law respecting establishment of religion or free exercise thereof.
 - b. No person compelled to attend any place of worship, or;
 - c. Pay taxes, tithes or other rates to support any place of worship or any minister or ministry.
4. Religious tests.
 - a. None as a qualification for public office or trust.
 - b. No person disqualified as a witness by reason of religious opinion or belief.
 - c. No person deprived of rights or privileges or capacities by reason of religious opinion or belief.
 - d. Any party to a suit may testify or use a witness regardless of religious belief. Note: At an early date a religious qualification was required of candidates for office, witnesses in law suits, and for public trusts. The theory was that such duties would be performed properly only under the fear of God. All such are forbidden in Iowa by this provision.
5. Dueling.
 - a. Principal or accessory or aid disqualified to hold office. (Dueling is also prohibited and punished under statute.)

6. Uniformity of law and privileges.
 - a. All laws must be uniform.
 - b. No special privileges to any citizen or group.
7. Liberty of speech and press.
 - a. No law to restrain or abridge either.
 - b. Persons responsible for abuse thereof.
 - c. Truth of libelous statement defense if published with good motives and for justifiable ends.
8. Personal security against unreasonable search.
 - a. Security not violated in respect to
 - (1) Houses.
 - (2) Persons.
 - (3) Papers.
 - (4) Effects.
 - b. Search warrant issued only
 - (1) On probable cause.
 - (2) Supported by oath or affirmation.
 - (3) Describe place to be searched, and
 - (4) Persons or things to be seized.
9. Trial by jury; due process of law.
 - a. Trial by jury inviolate.
 - b. General Assembly may provide for less than jury of 12 in inferior courts.
 - c. No person deprived of life, liberty, or property without due process of law.
10. Rights of accused.
 - a. A speedy and public trial by impartial jury.
 - b. To be informed of charges against him.
 - c. To have a copy of the charges.
 - d. To be confronted by the witnesses against him. (So that he may observe their demeanor in his presence.)
 - e. To subpoena witnesses in his behalf.
 - f. To have attorneys paid by the state if he is unable to employ same.
11. Minor offenses; indictment.
 - a. All offenses less than felony and in which punishment is not greater than \$100 fine or 30 days imprisonment shall be tried by a justice without a jury, or indictment by grand jury.
 - b. No person held for any higher criminal offense than on indictment except
 - (1) Cases arising in army, or navy, or in the militia in time of war or public danger.
 - (2) Under law by General Assembly. (Ex. County Attorney's information.)
 - c. Grand jury may consist of from five to fifteen persons as provided by law.
12. Trial for same offense; Bail.
 - a. No person, after acquittal, shall be tried again for the same offense.
 - b. No person before conviction denied release on bond save in capital offenses where proof is evident or presumption is great.
13. Writ of habeas corpus.
 - a. Shall not be denied except in case of
 - (1) Rebellion, or;
 - (2) Invasion when public good may require it.
14. Military subordinate to civil power.
 - a. No standing army in time of peace.
 - b. No appropriation in time of war for more than two years.

15. Quartering of soldiers.
 - a. None in time of peace. (Without consent of owner.)
 - b. In war only in manner prescribed by law.
16. Treason.
 - a. Levying war against state,
 - b. Adhering to its enemies, or;
 - c. Giving them aid and comfort.
17. Bail; Punishment.
 - a. Excessive bail or bond shall not be required.
 - b. Excessive fine shall not be imposed.
 - c. Cruel and inhuman punishments shall not be inflicted.
18. Limitation on eminent domain.
 - a. Private property shall not be taken without just compensation.
 - b. Damages assessed by jury. Advantages shall not be considered except
 - (1) Drainage ditches, or;
 - (2) Levies for agricultural, sanitary or mining purposes. (Assess benefits and award damages.)
19. Imprisonment for debt.
 - a. Shall not be done except in case of fraud.
 - b. None for militia fine in time of peace.
20. Rights of assembly and petition.
 - a. Right at all times to assembly freely to counsel for the common good.
 - b. Right to petition their representatives.
21. Bill of attainder, etc.
 - a. No bill of attainder.
 - b. No ex post facto law.
 - c. No law impairing the obligation of a contract. (Note: changing what payment or other obligation one has agreed to do or make.)
22. Resident aliens, property rights of
 - a. Same as native born citizens as to
 - (1) Possession.
 - (2) Enjoyment.
 - (3) Descent.
23. Slavery.
 - a. No slavery in this state. (Note: Date, 1857.)
 - b. No involuntary servitude except for crime.
24. Validity of lease.
 - a. No agricultural lease, where rent reserved, shall be for more than 20 years.
25. Rights retained.
 - a. This enumeration does not impair or deny other rights retained by the people.

B. SUFFRAGE. (Art. II.)

1. Electors.
 - a. Qualifications. (Sec. I as amended.)
 - (1) Citizen of United States.
 - (2) Resident of state six months.
 - (3) Resident of county sixty days.
 - (4) Registration required in cities.
 - b. Disqualification. (Sec. 5.)
 - (1) Idiocy, or insanity.
 - (2) Conviction of infamous crime.
 - (3) Persons merely stationed in state at military posts, unless actual resident.

- c. Privileges.
 - (1) Free from arrest while going to and from election except for treason, felony, or breach of peace. (Sec. 2.)
 - (2) Free from military duty on election day, except in time of war or public danger. (Sec. 3.)
- 2. Elections.
 - a. By ballot. (Sec. 6.)
 - b. Held Tuesday after first Monday in November of even numbered years for state, county, district and township officers. (Fixed by law as same day as election for presidential electors.) (Sec. 7.)
- C. Distribution of Powers and Legislative Department. (Art. III.)
 - 1. Established departments.
 - a. Legislative.
 - b. Executive.
 - c. Judicial.
 - d. Duties of each entirely separate and apart from the duties of the other.
- C. LEGISLATIVE DEPARTMENT: THE GENERAL ASSEMBLY OF IOWA. (Art. III.)
 - 1. Composition. (Sec. 1.) (See Iowa Off. Reg., 1923-4, p. 45.)
 - a. House of Representatives.
 - (1) Elected by districts at general election. (Art. XII, Sec. 16; Art. III, Sec. 3.)
 - (2) Limited to 108 members. (Art. III, Sec. 35.)
 - (3) Term of office, two years, and until successor is elected and qualified. (Sec. 3.)
 - (4) Salary (Fixed by law) \$1,000 per session.
 - (5) Qualifications. (Sec. 4.)
 - (a) Age, 21 years.
 - (b) Male citizen of United States.
 - (c) Inhabitant of state one year next preceding his election.
 - (d) Resident of county 60 days.
 - (e) Hold no office of profit under United States. (Sec. 22.)
 - (f) Not in default on public funds. (Sec. 23.)
 - (6) Special Powers.
 - (a) Bring impeachment charges. (Sec. 19.)
 - (b) Choose its own presiding officer and other officers. (Sec. 7.)
 - (c) Determine its rules and qualifications of its own members. (Sec. 7-9.)
 - (d) Punish or expel (by two-thirds vote but not a second time for the same offense) a member. (Sec. 9.)
 - (e) Judge the election of its own members. (Sec. 7.)
 - (f) All inherent power of a branch of the legislative department of a free and independent state. (Sec. 9.)
 - b. Senate.
 - (1) Elected by districts at general election. (Art. XII, Sec. 16; Art. III, Sec. 5.)
 - (2) Limited to 50 members. (Art. III, Sec. 34.)
 - (3) Term of office, four years. One-half of senators elected every two years. (Sec. 5.)
 - (4) Salary (fixed by law) \$1,000 per session.
 - (5) Qualifications. (Sec. 5.)

- (a) Age, 25 years.
 - (b) Citizen of United States.
 - (c) Inhabitant of state one year next preceding his election.
 - (d) Resident of county 60 days.
 - (e) Hold no office of profit, under United States. (Sec. 22.)
 - (f) Not in default on public funds. (Sec. 23.)
- (6) Special Powers.
- (a) Try impeachments. (Two-thirds vote required for conviction.) (Sec. 19.)
 - (b) Choose its own officers except presiding officer, the lieutenant governor. (Sec. 7.)
 - (c) Determine its rules and qualifications of its own members. (Sec. 9.)
 - (d) Punish or expel (by two-thirds vote but not a second time for same offense) a member. (Sec. 9.)
 - (e) Judge the election of its own members. (Sec. 7.)
 - (f) All inherent power of a branch of the legislative department of a free and independent state. (Sec. 9.)
2. Privileges of Members.
- a. To dissent from or protest against any act or resolution. (Sec. 10.)
 - b. To have his reasons therefore printed in the journal. Note: If his branch refuses, there is no way to enforce this right on the theory that no other department has power to compel any other branch to act. (Sec. 10.)
 - c. Free from arrest during the session and in going to and returning therefrom, except for treason, felony, or breach of the peace. (Sec. 11.)
3. Sessions.
- a. Regular, Biennial. (Sec. 2, also Art. XII, Sec. 16.)
 - b. Meets second Monday in January, odd numbered years. (Sec. 2.)
 - c. Special at call of governor. (Sec. 2.)
 - d. Organization.
 - (1) Quorum, a majority. (Sec. 8.)
 - (2) Smaller number may adjourn from day to day and compel attendance of absentees. (Sec. 8.)
 - (3) Oath to support Constitution of United States and State of Iowa. (Sec. 32.)
 - (4) Each house keeps its own journal and records of its proceedings. (Sec. 9.)
 - e. Neither may adjourn more than three days without consent of the other, nor to any other place than where both are sitting. (Sec. 14.)
 - f. Both houses open except executive sessions. (Sec. 13.)
4. Powers.
- a. Inherently.
 - (1) To legislate on all subjects not forbidden by this constitution or the constitution of the United States.
 - b. Specified in Constitution.
 - (1) To carry out Article V. (Judicial Department) and to establish a system of practice for courts of the state. (Art. V, Sec. 14.)
 - (2) Repeal law contracting debt if no debt has been incurred. (Art. VII, Sec. 6.)
 - (3) Arm and equip the militia. (Art. VI, Sec. 1.)
 - (4) Control school funds and lands. (Art. IX, Sec. 1.)

- (5) Encourage intellectual, scientific, moral and agricultural improvement. (Art. IX, Sec. 3.)
 - (6) Provide distribution of school fund. (Art. IX, Sec. 7.)
 - (7) Propose amendments. (Art. X, Sec. 1.)
 - (8) Provide for election of delegates to constitutional convention. (Art. X, Sec. 3.)
 - (9) Provide punishment for officeholders not provided for by impeachment. (Art. III, Sec. 20.)
 - (10) Give laws passed effect by publication. (Art. III, Sec. 26.)
 - (11) Grant reprieves, commutations or pardons for treason. (Art. IV, Sec. 16.)
 - (12) Pass all laws necessary to carry constitution into effect. (Art. XII, Sec. 1.)
5. Powers Denied by this Constitution.
- a. Draw money from treasury except by appropriation. (Sec. 24.)
 - b. Grant legislative divorces. (Sec. 27.)
 - c. Authorize lottery or sale of lottery tickets. (Sec. 28.)
 - d. Pass special or local laws in the following cases: (Sec. 30.)
 - (1) Assessment and collection of taxes.
 - (2) Laying out, opening and working roads and highways.
 - (3) Changing names of persons.
 - (4) Incorporation of cities and towns.
 - (5) Vacating roads, town plats, streets, alleys, or public squares.
 - (6) Locating or changing county seats.
 - (7) Change boundary line of county except with approval of majority of voters in both counties affected.
 - e. Payment of any claim, the subject matter of which shall not have been provided for by pre-existing law. (Sec. 31.)
 - f. Appropriation of money for local or private purposes except by two-thirds majority of both houses. (Sec. 31.)
 - g. Allow extra compensation after service performed or contract entered into. (Sec. 31.)
6. Acts Required of the General Assembly.
- a. Take census at 10 year intervals. (Sec. 33.)
 - b. Provide for constitutional convention whenever question is approved by majority of voters. (Art. X, Sec. 3.)
 - c. Determine number of representatives following each state and national census. (Sec. 36.)
 - d. Submit question of constitutional convention in every 10th year. (Art. X, Sec. 3.)
 - e. Publish statement of receipts and expenditures. (Sec. 18.)
7. Process of Law Making. *(Art. III, Sec. 15, et sequi.)
- a. The style of every law shall be, "Be it enacted by the General Assembly of Iowa." (Sec. 1.)
 - b. Every act shall embrace but one subject, which shall be expressed in the title. (Sec. 29.)
 - c. Bills may be introduced in either house. (Sec. 15.)
 - d. Must pass each house by a majority of all members. (Sec. 17.)
 - e. Signed by presiding officer of each house. (Sec. 15.)
 - f. Messaged to Governor who may
 - (1) Sign it, or;
 - (2) Hold it three days, in either case it becomes a law, except when messaged to him within last three days of the session, in which case he has thirty days in which to act; or

*For powers denied the state by the Constitution of the United States see page 23.

- (3) Veto and return it to house in which it originated with objections. (Sec. 16.)
- g. Passed by both houses by two-thirds majority of all members in each, in which case it becomes a law over his veto. (Sec. 16.)
- 8. Miscellaneous.
 - a. Laws take effect: (Art. III, Sec. 26.)
 - (1) Those passed by regular session
 - (a) Fourth of July following passage, or;
 - (b) Upon publication, if deemed advisable, by General Assembly.
 - (2) Those passed by special session
 - (a) In 90 days after adjournment, or;
 - (b) Upon publication.
 - b. Statement of Public Money. (Art. III, Sec. 18.)
 - (1) Receipts.
 - (2) Disbursements.
 - c. Appointments to office. (Art. III, Sec. 21.)
 - (1) No member of General Assembly eligible to any office created or the emoluments of which have been increased during his term except those which may be filled by election by the people.
- D. EXECUTIVE DEPARTMENT. (Art. IV) (Iowa Off. Reg. 1923-24, p. 128.)
 - 1. GOVERNOR, the chief magistrate. (Sec. 1.)
 - a. Elected by electors. (Sec. 2.)
 - b. Returns sent to speaker of House of Representatives. (Sec. 3.)
 - c. Returns opened by speaker in presence of both houses. (Sec. 3.)
 - d. General Assembly elects in case of tie. (Sec. 4.)
 - e. Term. (Sec. 2-15.)
 - (1) Begins.
 - (2) Length.
 - f. Salary.
 - g. Qualifications. (Sec. 6.)
 - (1) Age, 30 years.
 - (2) Citizen of United States.
 - (3) Residence, two years next preceding election.
 - (4) Hold no office under the United States or state.
 - (5) Not in default on public funds.
 - h. Powers. (Sec. 7 et sequi.)
 - (1) Executive. (Sec. 7.)
 - (a) Commander-in-chief of army, navy, and militia of state.
 - (b) Sees that laws are faithfully executed.
 - (c) Transacts all executive business.
 - (d) Fills vacancy where no other mode is prescribed by constitution.
 - (e) Grants commissions to officers and affixes seal.
 - (2) Legislative. (Sec. 11, et sequi.)
 - (a) Passes upon all bills enacted by General Assembly.
 - (b) Calls special sessions.
 - (c) Recommends legislation.
 - (d) Adjourns General Assembly when houses cannot agree.
 - (3) Judicial. (Sec. 16.)

*For committee process, see page 22.

- (a) Grants reprieves, commutations and pardons except treason and impeachment. (Subject to regulation by General Assembly.)
- i. Succession in office. (Sec. 17, et sequi.)
 - (1) Lieutenant Governor.
 - (2) President pro tempore of Senate.
 - (3) Speaker of House of Representatives. (Note: This is the same as the original plan of succession of the presidency.)
- 2. Lieutenant Governor. (Sec. 3.)
 - a. Elected in same manner, and for same term as governor. (Sec. 3.)
 - b. Qualifications same as governor. (Sec. 6.)
 - c. Presides over Senate. (Sec. 18.)
 - d. Salary. (Twice that of Senator.)
- 3. Executive Departments.
 - a. Established by Constitution. (Sec. 22.)
 - (1) Secretary of State. (Sec. 22.)
 - (2) Auditor of State. (Same.)
 - (3) Treasurer of State. (Same.)
 - (4) Attorney General. (Art. V, Sec. 12.)
 - b. Established by Statute.
 - (1) Secretary of Agriculture.
 - (2) Superintendent of Public Instruction.
 - (3) Commissioner of Insurance.
 - (4) Superintendent of Banking.
 - c. Organization of Departments.
See Iowa Official Register, (1923-24, Page 128-151) which may be secured from County Superintendent or Secretary of State, Des Moines.
 - d. Boards and Commissions.
 - (1) Board of Law Examiners.
 - (2) Board of Educational Examiners.
 - (3) Reporter of Supreme Court and Code Editor.
 - (4) Clerk of the Supreme Court.
 - (5) Executive Council.
 - (6) Railroad Commissioners.
 - (7) Board of Audit.
 - (8) Workmen's Compensation Service.
 - (9) Adjutant General.
 - (10) State Printing Board.
 - (11) Board of Parole.
 - (12) Board of Control of State Institutions.
 - (13) Board of Education.
 - (14) State Highway Commission.
 - (15) Board of Health.
 - (a) Health Laboratory.
 - (b) Board of Medical Examiners.
 - (16) Board of Optometry Examiners.
 - (17) Board of Agriculture. (State Fair.)
 - (18) Bureau of Labor Statistics.
 - (19) Fire Marshal.
 - (20) Library Commission.
 - (21) Board of Trustees, Iowa State Library.
 - (a) Historical Library.
 - (b) Law and Reference Library.
 - (c) Medical Department.
 - (22) Board of Trustees, Historical Department.
 - (23) Board of Conservation.
 - (24) Board of Engineer Examiners.
 - (25) Commission of Pharmacy.
 - (26) Board of Dental Examiners.

- (27) Fish and Game Department.
- (28) Mine Inspectors.
- (29) Board of Examiners for Mine Inspectors.
- (30) Board of Accountancy.
- (31) Board of Voting Machine Commissions.
- (32) State Historical Society.
- (33) Iowa State Teachers Association.
- (34) Geological Board.
- (35) Teachers Placement Bureau.
- (36) Board for Vocational Education.
- (37) Board of Osteopathic Examiners.
- (38) Board of Chiropractic Examiners.
- (39) Board of Examiners for Shorthand Reporters.
- (40) Custodian.

E. JUDICIAL DEPARTMENT. (Art. V.) (See Iowa Off. Reg., 1923-4, p. 200.)

- 1. Supreme Court.
 - a. Established by Constitution. (Sec. 1.)
 - b. Jurisdiction. (Sec. 4.)
 - (1) Appellate in all cases in chancery.
 - (2) Court for correction of errors at law.
 - (3) To issue all writs and process necessary to secure justice.
 - (4) To exercise supervisory control over inferior courts.
 - c. Judges.
 - (1) Number, fixed by G. A. (Sec. 10.)
 - (2) Method of Election. (Sec. 11.)
 - (3) Term, six years. (Sec. 3.)
 - (4) Salary, fixed by G. A.
- 2. District Court. (See Iowa Off. Reg., p. 202.)
 - a. Established by constitution. (Sec. 1.)
 - b. Jurisdiction. (Sec. 6.)
 - (1) All cases in law or equity.
 - (2) Civil and criminal.
 - (3) Manner prescribed by law.
 - c. Judges. (Sec. 5.)
 - (1) Method of election. (Sec. 5.)
 - (2) Term, four years. (Sec. 5.)
 - (3) Salary, fixed by G. A.
 - (4) Qualifications.
 - (a) Resident of district.
 - (b) Practicing attorney in courts of the state.
 - (c) Qualified elector.
 - d. Districts fixed by General Assembly. (Sec. 10.)
 - e. Judges increased or diminished by General Assembly but shall not have effect of removing a judge from office. (Sec. 10.)
- 3. Courts of lower jurisdiction provided by General Assembly.
 - a. Municipal. (Iowa Off. Reg., 1923-4, p. 205.)
 - (1) May be established in cities of 5,000 or more.
 - (2) Judges.
 - (a) Number determined by population.
 - (b) Elected in same manner as other city officers.
 - (c) Qualifications.
 - 1. Qualified elector.
 - 2. Resident of municipal district.
 - 3. Practicing attorney in courts of state.

- (3) Jurisdiction.
 - (a) Civil.
 - 1. Amount in controversy does not exceed \$1,000 except
 - a. Probate.
 - b. Divorce, alimony or separate maintenance.
 - c. Title to real estate.
 - d. Juvenile.
 - (b) Criminal.
 - 1. Imprisonment not to exceed thirty days.
 - 2. Fine not exceeding \$100.
 - (4) Establishment abolishes police, justice and superior courts.
- b. Superior Court. (Iowa Off. Reg., 1923-4, p. 205.)
 - (1) May be established in cities and towns of 4,000.
 - (2) Judges.
 - (a) Elected in same manner as other city officers.
 - (b) Qualifications.
 - 1. Qualified elector.
 - 2. Resident of city.
 - 3. Practicing attorney in state courts.
 - (3) Jurisdiction.
 - (a) Civil.
 - 1. Concurrent with District Court except
 - a. Probate matters.
 - b. Divorce, alimony or separate maintenance.
 - (b) Criminal.
 - 1. Actions triable on information and complaint.
 - (4) Establishment abolishes police court.
 - c. Justice of the Peace Court.
 - (1) Recognized by the constitution but subject to abolition by G. A.
 - (2) Justice.
 - (a) Elected as a township officer.
 - (b) Qualifications.
 - 1. Qualified elector.
 - 2. Need not be an attorney.
 - (3) Jurisdiction.
 - (a) Civil.
 - 1. Civil actions where the amount in controversy
 - a. Does not exceed \$100, or;
 - b. By agreement \$300.
 - c. Except equitable proceedings.
 - b. Criminal.
 - 1. Imprisonment not to exceed thirty days.
 - 2. Fine not exceeding \$100.
 - 3. Other jurisdiction conferred by statute.
- 4. Miscellaneous.
 - a. Mayor and Police Courts.
 - (1) In cities and towns not otherwise provided for.
 - (2) Have jurisdiction over violation of city ordinances.
- F. Removal from Office. (Art. III, Sec. 20.)
 - 1. By impeachment.
 - a. State officers.
 - b. Judges of district court.
 - 2. By general law.
 - a. All other civil officers.
 - 3. Grounds for removal.
 - a. Misdemeanors.
 - b. Malfeasance in office.

4. Penalty.
 - a. Removal from office.
 - b. Disqualification to hold any office under the state.
 - c. Does not prevent trial and punishment by the courts.

G. MILITIA. (Art. VI.)

1. Includes all able bodied men between ages of 18 and 45 years. (Sec. 1.)
2. Conscientious objector may purchase exemption. (Sec. 2.)
3. Officers (except staff) elected by service men and commissioned by governor. (Sec. 3.)

H. STATE DEBTS. (Art. VII.)

1. Credit.
 - a. Shall not be loaned. (Sec. 1.)
 - b. Debts not assumed except for war expenditures.
2. Contract debts; Limitation. (Sec. 2.)
 - a. Shall not exceed \$250,000.00.
 - b. Money applied only for that purpose.
3. Losses to School Funds. (Sec. 3.)
 - a. Shall be audited.
 - b. Shall be considered debt due from state, bearing interest at 6%.
4. War debts. (Sec. 4.)
 - a. State may contract same in emergency.
 - b. Money raised to pay same can be used only for that purpose.
5. Question of debt submitted. (Sec. 5.)
 - a. If over \$250,000.00. (Ex. \$22,000,000 Bonus Bond Issue.)
 - b. Must also impose tax for payment of same and interest within twenty years.
 - c. Notice of election must be published in each county three months prior to same.
 - d. Money raised by this tax applied only to specific purpose.
 - e. Must be ratified by majority vote of electors.
6. Legislature may repeal. (Sec. 6.)
 - a. If no debt has been contracted thereunder.
 - b. May forbid further contracting; but
 - c. Portion of tax to pay debt contracted cannot be repealed.
7. Tax imposed distinctly stated. (Sec. 7.)
 - a. Must state tax in law; and
 - b. The object to which applied.
 - c. Must not be by reference.

I. Corporations. (Art. VIII.)

1. Created only by general law. (Sec. 1.)
2. Property subject to taxation. (Sec. 2.)
3. State (Sec. 3.)
 - a. Shall not be stockholder.
 - b. Shall not assume or pay any debt of corporation unless incurred in time of war for benefit of state.
4. Banking corporation.
 - a. No political (county) or municipal (city) shall be a stockholder directly or indirectly. (Sec. 4.)
 - b. Referendum of act creating. (Sec. 5.)
 - (1) Shall not take effect until submitted to people at election.
 - (2) Election at least three months after passage of act.
 - (3) Amendments likewise.
 - c. General Assembly may establish state bank. (Sec. 6.)

- d. State bank. (Sec. 7.)
 - (1) Specie basis.
 - (2) Branch banks mutually liable on all bills and notes.
- e. General banking law. (Sec. 8.)
 - (1) All paper money signed by state officer.
 - (2) Security to full amount of paper money deposited with treasurer.
 - (3) Deficiency to extent of 10% made up.
- f. Liability of stockholder to creditor.
 - (1) For all stock held.
 - (2) For an additional amount equal to stock held.
- g. Preference of claims. (Sec. 10.)
 - (1) Bill-holders (paper money issued by bank) have preference over other creditors.
- h. Amendment or repeal of charters. (Sec. 12.)
 - (1) Subject to this article.
 - (2) By two-thirds vote of each branch of General Assembly.
 - (3) No exclusive privileges except as herein provided.

J. EDUCATION AND SCHOOL LANDS. (Art. IX.)

- 1. Education.
 - a. Sections 1 to 15 superceded by general legislation as provided in Section 15.
- 2. School funds and school lands. (Sec. 1.)
 - a. Under control of General Assembly.
 - b. Permanent university fund.
 - c. State school funds.
 - (1) Sale of lands appropriated by Congress. (Sec. 3.)
 - (2) Escheats to state. (Sec. 3.)
 - (3) Money paid for exemption from military duty. (Sec. 4.)
 - (4) Fines. (Sec. 4.)
 - (5) Distributed by General Assembly. (Sec. 5.)
 - (6) Deposited same as county revenue. (Sec. 6.)
 - (7) Distributed in proportion to persons of school age. (Sec. 7.)

K. AMENDMENTS. (Art. X.)

- 1. Manner of amending. (Sec. 1.)
 - a. Proposed by majority of General Assembly. (May be introduced in either branch.)
 - b. Published in each county for three months prior to next election for members of General Assembly.
 - c. Approved by majority of next General Assembly. (Both branches.)
 - d. Approved by majority of voters at election as provided by General Assembly.
- 2. Shall be voted on separately. (Sec. 2.)
- 3. Question of Constitutional Convention submitted in 1870 and at ten year intervals thereafter. (Sec. 3.)

L. MISCELLANEOUS. (Art. XI.)

- 1. Jurisdiction of Justice of Peace.
 - a. Civil. (Sec. 1.)
 - (1) To controversies of \$100.
 - (2) By consent of parties to \$300.
 - (3) Does not extend to question of title to real estate. (Sec. 1.)
- 2. Counties, Area of.
- 3. Limit of indebtedness of counties and municipalities to 5% of value of taxable property.

4. State boundaries enlarged by consent of Congress and General Assembly. (Sec. 4.)
5. Oath of office. (Sec. 5.)
 - a. Support Constitution of United States.
 - b. Support Constitution of Iowa.
 - c. Perform faithfully duties of the office.
6. Vacancies. (Sec. 6.)
 - a. Appointees hold office until next election.
 - b. Officials elected to fill vacancy hold until next regular election.
7. Land grants located. (Sec. 7.)
8. Seat of Government. (Sec. 8.)
 - a. At Des Moines.
 - b. State University at Iowa City.

M. SCHEDULE. (Art. XII.)

1. Supremacy of Constitution. (Sections 1 and 2.)
 - a. Supreme law of state.
 - b. All laws inconsistent therewith shall be void.
 - c. Affects only laws inconsistent with it.
2. Transition to the New Constitution; Proceedings not affected. (Sections 3-5.)
 - a. Indictments, prosecutions, etc.
 - b. Offenses and crimes committed prior to the taking effect thereof.
 - c. Appeals, injunctions, etc.
 - d. Fines, penalties, etc.
 - e. Bonds to the state, etc.
3. First election of officers.
 - a. Governor. (Sec. 6.)
 - b. Secretary and other state and district officers. (Sec. 7.)
 - c. Judges of Supreme Court. (Sec. 8.)
4. First session of General Assembly. (Sec. 9.)
5. Senators holding over. (Sec. 10.)
6. Offices not vacated. (Sec. 11.)
7. Judicial districts. (Sec. 12.)
8. Submission of Constitution. (Sec. 13.)
9. Elections. (Amendment 1904, Sec. 16.)

N. How the State Government Affects the Individual.

1. Determines the qualifications of a voter, subject to the regulation of the United States Constitution.
2. Regulates elections.
3. Provides for education of people of state.
4. Guards health of people.
5. Regulates business within the state.
6. Builds roads and bridges.
7. Grants marriage licenses and divorces.
8. Provides for settlement of estates of deceased persons.
9. Establishes a criminal code.
10. Punishes those who disobey the law.
11. Cares for the defective and unfortunate.
12. Protects workers by compensation and minimum wage laws and by employment bureaus.
13. Builds drainage, sanitary, and other levees and ditches.
14. Lays and collects taxes, principally property tax, inheritance tax, and tax on the sale of tobacco.

