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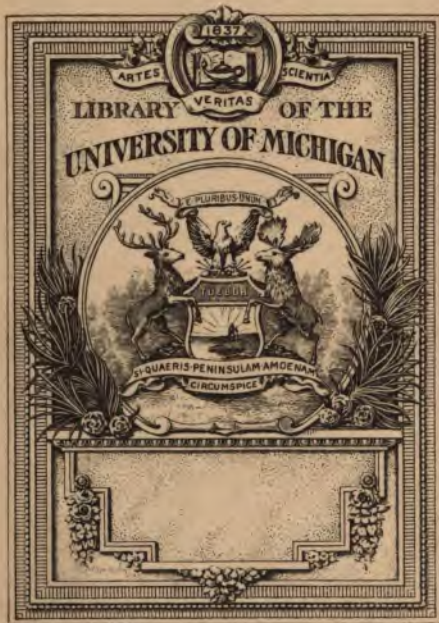
# MISSOURI

ITS STATE AND LOCAL GOVERNMENT

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CLARENDON

NEW YORK  
MAYNARD, MERRILL, & CO.  
23, 24 & 25 EAST 19<sup>TH</sup> ST.



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# MISSOURI

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BY

A. E. CLARENDON, A.M.

MAYNARD, MERRILL, & CO.

29, 31, AND 33 EAST NINETEENTH STREET  
NEW YORK

1897

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**A. E. CLARENDON.**

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# MISSOURI

## ITS STATE AND LOCAL GOVERNMENT

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### CHAPTER I

#### FROM SETTLEMENT TO STATE

**Preliminary** — Civil government in the United States has been a development from simple colonial forms of control into those of the comprehensive system of to-day. Quite early the town or township of New England, possessing full powers of self-government, rose into prominence. Then with the lapse of time there came the union of several townships to form the county. This was the next stage of governmental development. The county at first was simply for judicial purposes; each township retaining undiminished power to direct its own local affairs.

**Objectively Considered**—The State as an objective fact came later, its development being concurrent with colonial growth and expansion. Almost with the first settlements of America the general courts of New England and the House of Burgesses in Virginia began legislating for the people. The power of the colonial assembly was far-reaching, and became more and more

important as the years rolled on, developing at last into the legislature of to-day—the core of our governmental system, the very heart of the State.

**Evolution**—When certain colonies united to form the government of Massachusetts there was the founding of a State. The new government was invested with a centralized power. A new outline was given governmental authority—an outline which, if wanting permanence in some of its features, was still an important step in the evolution of American government.

**In Virginia**—The settlement of Virginia presents a phase of development quite distinct from that of New England, the difference being not in the results, but in the steps leading thereto. In Virginia we find governmental control vested in centres of authority having jurisdiction over broad counties. These counties, constituting the governmental units, were much larger than the townships of New England.

**Early Legislatures**—In all the colonies there were representative assemblies. But while the members of the Virginia House of Burgesses sat for counties, those of the general courts of New England sat for townships.

**Origin of States**—The territory and the settlements or separate groups of people included in one of the original states, were determined more by existing conditions and circumstances than by prearranged plan. In some instances the union of several settlements for common defense against Indian depredations constituted the founding of a state. The junction thus effected involved plans for centralizing elements of authority which, in more than one instance, was the first organic aspect of the later state government.



**Revolutionary Epoch**—The revolution wrought various changes in governmental structure. At its close most of the colonial charters were replaced by written constitutions. This was an important advance towards the American state as it now exists. It should be noted, however, that in passing from charter to constitution the changes made were not radical but conservative; the forms of government prevailing in the colonies being followed closely so far as vital principles were concerned.

**The Descent of Government**—From what has been said, it will be seen that our State governments received impress from those of the colonies. With the settlement of the public domain and the consequent erection of new States, the original forms of government have served as models for instituting the later commonwealths. By this natural sequence self-government has been preserved and developed.

**Unity of Plan**—Throughout our country there is a unity of plan. Although a large administrative authority over local affairs is given to county and township, supremacy vests in the State alone, the sovereign power residing in the people.

#### TOPICAL ANALYSIS

FOR STUDY, RECITATION, AND REVIEW

#### Settlement to State.

##### I. EARLY DEVELOPMENT:

*a.* Township.

*b.* County.

##### II. SUCCEEDING FACTS:

*a.* Concurrent growth.

*b.* The rise of the legislature.

III. MASSACHUSETTS :

- a.* An embryo State.
- b.* A step forward.

IV. VIRGINIA :

- a.* A different phase.
- b.* The legislative body—
  - 1. Its membership.
    - a.* In New England.
    - b.* In Virginia.

V. THE ORIGIN OF STATES :

- a.* The defensive unions.
- b.* Revolutionary epoch.

VI. THE DESCENT OF GOVERNMENT :

- a.* Colony to State.
- b.* State to nation.
- c.* Unity preserved.

VII. EXISTING UNIFORM PLAN :

- a.* Productive of harmonious conditions.
  - 1. By supremacy of State.
  - 2. Subordination of its parts.

## CHAPTER II

### PAST AND PRESENT

**Louisiana Purchase**—The great tract which is now Missouri was formerly a part of Louisiana, a vast territory held by France. In 1762 France ceded it to Spain, and the latter power retroceded it to France in 1800.

In 1803 the United States purchased the whole of

the Territory of Louisiana from France. It thus became a part of the public domain.

**Missouri a Territory**—Missouri was organized as a Territory in 1812, having an area exceeding that enclosed within its present boundaries. Yet it is now among the largest of the States, one of magnificent proportions, having expansive breadths of fertile soil, broad forests, and mineral lands of great extent.

**A State**—In 1820 a State government was organized in Missouri, and the records of the State date from that year; although, owing to certain differences in Congress, and between that body and the people of the State,—differences connected with the history of the period,—the admission was not consummated until the proclamation of August 10, 1821, in which President Monroe declared Missouri to be one of the United States.

**Constitution**—The State government was organized under the Constitution of 1820. A second constitution was adopted in 1865. A third, the one now in force, became operative November 30, 1875.

**Source of Power**—The national government derives power from the people of all the States. The pledge of its bestowal is the Constitution of the United States. In Missouri the government obtains its authority from the people of the State as granted in the Constitution of Missouri. In the exercise of that authority, within its domain, the State government is supreme.

**State Boundaries**—The boundaries of the State were prescribed by Congress in the act providing for the admission of Missouri to the Union. In the Constitution of Missouri adopted in 1820 a formal acceptance and ratification of those boundaries were made. This was



required by the act mentioned. The retention and renewal (2)\* in the Constitution of 1875 of that formal ratification was not absolutely necessary. Its insertion, however, is a recognition of the former law, and serves to show courtesy and allegiance to the national government.

At the date of admission the western boundary of the State was a straight line, the meridian passing through the point of confluence of the Kaw (Kansas) and the Missouri River. The territory now constituting the counties of Andrew, Atchison, Buchanan, Holt, Nodaway, and Platte, known as the Platte Purchase, was by an act of Congress of June 7, 1836, annexed to the State of Missouri.

**Threefold Division of Government**—In harmony with the structure of the national government, the powers of the State government are vested in three departments: the law-making the law-executing, and the law-interpreting. The provisions relating to these branches are placed in the Constitution in the order indicated, being the natural order of their development.

The necessity of keeping these departments separate and distinct was long urged by writers on the philosophy of government. Since the demonstration by the United States of the excellence of such a system it finds favor in many lands. The government of Missouri is strongly entrenched in its principles, as the Constitution clearly exhibits (35).

The term *magistracy* as used in the Constitution †

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\* Numerals in the text refer to corresponding paragraphs of the Constitution.

† Wherever the Constitution is referred to, the pupil should turn to it at once.

means a person or body of persons clothed with civil power; so that "to a separate magistracy" signifies to a distinct person or group of persons.

The threefold division of powers is carried into the administration of the affairs of the divisions and subdivisions of the State. The three departments, legislative, executive, and judicial, appear more or less distinct in the public business of the county, the township, and the municipality.

#### TOPICAL ANALYSIS

##### **The Past and Present :**

##### I. TERRITORY OF LOUISIANA :

- a.* Early ownership.
- b.* Purchase by the United States.

##### II. MISSOURI :

- a.* A Territory.
- b.* A State.
  - 1. Government organized.
  - 2. Admission to Union.
- c.* Constitution :
  - 1. One in force.
  - 2. Where supreme.

##### III. SOURCE OF AUTHORITY :

- a.* In national government.
- b.* In State government.

##### IV. STATE BOUNDARIES :

- a.* Prescribed by Congress.
- b.* Ratified by people.
- c.* Renewed in Constitution of 1875.
- d.* Platte Purchase annexed.

##### V. GOVERNMENT OF STATE :

- a.* Legislative.

b. Executive.

c. Judicial.

VI. THE SYSTEM:

a. Early advocacy.

b. Worth demonstrated.

c. Missouri adopts.

VII. DEPARTMENTS TO BE SEPARATE:

a. Provision of Constitution.

b. Its meaning.

VIII. THREEFOLD DIVISION:

a. In county.

b. Township.

c. Municipality.

## CHAPTER III

### THE COUNTY

**The Civil Unit**—In Missouri, except where township organization has been adopted, the county is invested with the management of local affairs. It is the judicial and administrative division of the State, the organ of local order and government, the civil unit. Moreover, it is the medium through which the State exercises authority over the people. Other political divisions and municipal corporations situate within the county are subordinate to it, the State reaching them through the county organization.

**Early History**—In the early history of the colonies the county was organized as a district for convenience in the administration of justice.\* Later it became also the distinctive area for various executive and adminis-

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\* See Young's Government Class-book, p. 51, § 2.



trative purposes of local government. In Missouri its functions nearly equal those of the New England township and county combined.

**Unit of Representation**—The county is the unit of representation in the General Assembly. Each county, however small in area or limited in population, has at least one representative. If the county be entitled to more than one, it is then divided into districts solely for elective purposes.

**Court-houses and Jails**—The county is the area for the maintenance of jails, court-houses, and other county buildings.

**State Revenue**—The State revenue derived from taxation is levied and collected by county officers.

**Election Unit**—In the elective system of the State the county is the local unit, the election returns being made by counties.

**Judicial Unit**—In the administration of justice juries are drawn within and for the county, and the circuit and other courts sitting in the county have jurisdiction coextensive with it.

**Major Corporation**—A county is a division of the State, organized under its laws as a corporate body, and is the most important of the political corporations of the state.

**How Organized**—Counties are either under township or county organization. The latter system prevails, less than one seventh of the counties having adopted the former.

If township organization exists, the duties of township officers modify those of county officers—indeed, one office, that of the collectorship, is vacated, the township collectors performing the work incident thereto.

**County Officers**—The county has the necessary officers for the complete administration of its local affairs.

The county officers whose terms are four years are as follows:

Presiding judge of county court.

Probate judge.

County clerk.

Circuit clerk, sometimes *ex officio* recorder of deeds.

Recorder of deeds.

Surveyor, *ex officio* road commissioner.

Public administrator.

Two or more justices of the peace in each township.

County officers chosen for two years are:

Two judges of the county court.

Sheriff.

Prosecuting attorney.

Coroner.

At least one constable for each township.

Assessor.

Collector.

Treasurer.

School commissioner.

**Qualifications**—The probate judge and the judges of the county court must be twenty-four years of age, citizens of the United States for five years, with a residence in the county of one year next preceding their election.

The clerk of the circuit court and the clerk of the county must be twenty-one years of age, citizens of the United States, with a residence in the State of one year, and in the county three months, next preceding election.

The prosecuting attorney must be learned in the law,

an attorney duly licensed and recorded in the State, and twenty-one years of age.

The school commissioner must be of age, a qualified teacher of the county, and a resident thereof for at least one year preceding his election.

For any other office the candidate must be a qualified voter.

Every county officer before entering upon his duty must subscribe to an oath to support the Constitution of Missouri and the Constitution of the United States.

All give bond except judges, justices, and prosecuting attorney. If the probate judge acts as his own clerk he must then file a bond as clerk of the probate court.

**Election**—County officers are chosen at the general elections which occur on Tuesday after the first Monday of November in the even-numbered years.

**Compensation**—There is much variation in the fees and allowances of the officers of the different counties. If the information be desired, the student may ascertain by inquiring the salaries paid in his county.

**County-seat**—The official business of the county is transacted at the county-seat, which is the capital city or town of the county. The court-house and other county buildings are established at this place. Here also are the public records.

In a new county the seat of government is selected by three commissioners appointed by the legislature. The people may move an established county-seat if two-thirds of those voting so order.



TOPICAL ANALYSIS

**The County.**

- I. THE CIVIL UNIT.
  - a.* Organ of local government.
  - b.* State reaches people by it.
- II. EARLY HISTORY.
- III. THE UNIT OF REPRESENTATION, AND
- IV. FOR SUSTAINING COUNTY BUILDINGS.
- V. STATE REVENUE COLLECTION DISTRICT.
- VI. ELECTION UNIT.
- VII. JUDICIAL UNIT.
- VIII. MAJOR CORPORATION.
- IX. HOW ORGANIZED.
- X. LIST OF OFFICERS:
  - a.* Elected for four years.
  - b.* Elected for two years.
  - c.* Qualifications:
    - 1. General.
    - 2. Oath.
    - 3. Bond.
  - d.* Election.
  - e.* Compensation.
- XI. COUNTY-SEAT:
  - a.* Purpose.
  - b.* Removal.

CHAPTER IV

POWERS AND DUTIES OF COUNTY OFFICERS. 1

**County Court**—The county court is composed of three judges. One, the presiding judge, is chosen from the county at large. His associates are chosen one from

each of the two districts into which the county is divided for the purpose.

The authority of these officers in the county is comprehensive in its scope. When sitting as a court they may exercise within prescribed limits executive, judicial, and legislative powers.

The county court—

1. Manages the business of the county.
2. It is the custodian of the county property, both personal and real.
3. It controls the county finances.
4. Directs the levy of taxes for county purposes.
5. Has full control of the county system of highways.
6. Has the custody of the county school fund.
7. Settles claims and accounts against the county.
8. Audits the accounts of the collector and treasurer.
9. Has a general supervision over the officers and employees of the county.
10. Must hold four terms per year. May hold special and adjourned terms as may be needed.
11. It approves the bonds of county officers.
12. In conjunction with the surveyor, the assessor, and the county clerk, the latter acting as scribe without a vote, it reviews the county assessments as a board of equalization.
13. Each judge of the county court is a conservator of the peace for his county.
14. On each February it is the duty of the county court to post in a public place the amount of money expended in the county during the preceding year.

**County Clerk**—This officer—

1. Keeps the official record of the county court.
2. Is the bookkeeper and accountant of the county.

3. Issues county warrants on the treasurer for all money ordered to be paid by the county court.

4. Has an official seal.

5. Is the custodian of all county papers and issues certified copies thereof under seal.

6. Prepares the tax-books so as to exhibit the amount of taxes due from each taxpayer.

7. Makes an annual report to the State superintendent containing in condensed form the returns of school districts in his county, the amount of income from county school funds, and the amount of school taxes collected.

8. Performs such other duties as the laws may impose.

**Probate Judge**—The duties of this officer are noticed in connection with the State judiciary.

**Circuit Clerk**—This officer has duties in connection with the circuit court of the county.

1. He keeps all the records of the circuit court.

2. Prepares its docket.

3. Issues and attests such processes as the presiding judge may direct or the law require.

4. In absence of the circuit judge from a stated session, the clerk holds a meeting of the members of the bar to choose a special judge to sit for the absentee.

5. In some of the sparsely settled counties he is *ex officio* recorder.

**Recorder of Deeds**—The chief duty of this officer is to enroll and record various instruments of writing. To enumerate:

1. He keeps a record of deeds, mortgages, and such other documents relating to the title of real and personal property as the law directs.

2. He issues marriage licenses and records the same. He also records marriage settlements and contracts.

3. Makes record of official bonds.

4. Keeps a registry of births in the county, with such particulars as the law requires.

5. He is the custodian of all deeds and instruments of writing relating to the conveyance or grant of land by the Spanish and French during their possession of the territory now forming Missouri.

**The County Surveyor** is the official surveyor of the county.

1. He makes surveys within the county at the request of any person when tendered the legal fees.

2. Surveys any lands in the county upon order of a court of record.

3. Must keep a record of surveys made by him. This may be inspected by interested parties.

4. Furnishes copies of recorded surveys.

5. As noted elsewhere, he is a member of the county board for equalizing assessments.

6. Is *ex officio* commissioner of roads and bridges.

**The Public Administrator**—1. Is *ex officio* public guardian and curator for the county. A curator is a guardian of the estate of a party not legally competent to manage it.

2. He has charge and custody of the estates of all who die intestate and unrepresented in the county; or who die leaving a will, if the executor named therein is absent or does not qualify.

3. He has charge of the estates of those who die intestate and without known heirs.

4. Has charge of the estates of unknown persons who die in the county.

5. Has charge of estates and property exposed to loss and damage for reasons assigned by law.



6. Of the estates of minors without legally qualified curators or guardians.
7. Of all estates placed in his hands by a competent court.
8. Cares for orphans under fourteen who are without legal guardians.

TOPICAL ANALYSIS

**Powers and Duties of County Officers.**

- I. THE COUNTY COURT.
  - a. Three judges.
  - b. How chosen.
  - c. Duty and authority, 1, 2, 3, etc.
- II. COUNTY CLERK.
  - a. Duties, 1, 2, 3, etc.
- III. CIRCUIT CLERK.
  - a. Duties, 1, 2, 3, etc.
- IV. RECORDER OF DEEDS.
  - a. Duties, 1, 2, 3, etc.
- V. COUNTY SURVEYOR.
  - a. Duties, 1, 2, 3, etc.
- VI. PUBLIC ADMINISTRATOR.
  - a. Duties, 1, 2, 3, etc.

CHAPTER V

POWERS AND DUTIES OF COUNTY OFFICERS. 2

**Sheriff**—The sheriff is the chief executive officer of the county. Among his duties the following may be mentioned:

1. To preserve the public peace of the county.
2. To attend all courts of record held within the

county, and serve all writs and processes issuing from them.

3. Convene court and adjourn it as directed by the presiding judge, and to preserve order during its sessions.

4. Serve the final processes of justices of the peace.

5. He has charge also of the county jail and its inmates.

**Prosecuting Attorney**—This officer—

1. Prosecutes or defends cases in which the county or State is interested.

2. He defends in cases brought against county officers as such.

3. In matters relating to their duties, he is the legal adviser of county officers, of the grand jury, of justices, constables, and road overseers.

4. He attends to business interests of the county or State referred to him by the county court.

**Coroner**—It is this officer's duty—

1. To inquire into the cause of violent or casual death.

2. In performing this service he summons a jury of six persons, who are sworn to diligence and truth. This jury assists him in the examination and inquiry.

The inquiry is called an inquest.

3. He may issue subpoenas to secure the attendance of witnesses.

4. If the jury determine that a death has occurred by felony, the coroner informs the officers whose duty it is to secure the apprehension of the criminal.

5. The coroner is a conservator of the peace.

**Assessor**—The duties of the assessor are—

1. To list the taxable property of the county and place a value thereon:

*a.* The personal property annually.

*b.* The real estate every second year.



2. To make lists of persons liable to pay poll-tax.
3. Enter all the above items in the assessor's books prepared for the purpose.
4. Deliver the books to the county court on or before the twentieth day of January each year.

**Collector of the Revenue**—It is the duty of this officer—

1. To collect the taxes and license fees due from the residents of the county.
2. To notify the tax-payers of the dates on which he will be present in each township to receive and collect taxes.
3. On request, must inform non-resident tax-payers of the amounts assessed against lots and tracts of land.
4. If taxes on personal property be unpaid, he may seize and sell sufficient property belonging to the delinquent to discharge the amount due, and may prosecute to conclusion suits for back taxes on real estate.
5. He is required to settle monthly with the county and the State treasurer.

**Treasurer**—This officer is—

1. The custodian of the county funds, which he must safely keep and disburse according to law.
2. He must keep a complete record of all money received and disbursed.
3. Make settlement with the county court twice each year, and also at close of his term.
4. He is ineligible to more than two successive terms.

**School Commissioner**—The school commissioner is :

1. The head of the educational interests of the county.
2. Is *ex officio* member of the county institute board.
3. Except when institute is in session, he examines teachers and grants certificates.

4. Keeps record of certificates granted.
  5. Distributes to school-district officers copies of the school law and such blanks as the State superintendent may send for that purpose.
  6. Makes annual report to State superintendent.
  7. In certain cases he has the right to establish new districts and change existing district boundaries.
  8. In counties adopting county supervision of schools, the commissioner gives place to a county superintendent of schools having enlarged powers and duties.
- At this date (1897) only four counties have adopted county supervision.

**Justice and Constable**—Since justices of the peace and constables are chosen by a township constituency, the student will find them treated under the appropriate title.

#### TOPICAL ANALYSIS

##### **Powers and Duties of County Officers.**

- I. SHERIFF.
  - a. Duties, 1, 2, 3, etc.
- II. PROSECUTING ATTORNEY.
  - a. Duties, 1, 2, 3, etc.
- III. CORONER.
  - a. Duties, 1, 2, 3, etc.
- IV. ASSESSOR.
  - a. Duties, 1, 2, 3, etc.
- V. COLLECTOR OF THE REVENUE.
  - a. Duties, 1, 2, 3, etc.
- VI. TREASURER.
  - a. Duties, 1, 2, 3, etc.
- VII. SCHOOL COMMISSIONER.
  - a. Duties, 1, 2, 3, etc.

## CHAPTER VI

## THE SYSTEM OF THE TOWNSHIP SURVEY

**System Uniform**—The survey of the public lands by a uniform system is performed under the authority of Congress. It was begun in the early history of the United States, being inaugurated by the legislation of the Congress of the Confederation.

The work was continued and perfected by the Constitutional Congress. An act passed in 1796 supplies the basis of the system of public survey as it now exists.

**Missouri Included**—As before mentioned, Missouri was formed from the tract of land known as the Louisiana Purchase. It constitutes a part of the vast territory which is included in the governmental surveys.

**Standard Lines**—The plan of the survey is simple. First, certain standard lines are established. These standards are called principal meridians and base-lines.

**Principal Meridians**—A principal meridian is a line running due north and south, located with reference to some prominent and easily recognized object or point, and then carefully established by monuments at intervals of one-half mile. It is a true geographical meridian.

**Fifth Principal Meridian**—The meridian from which all the lands of Missouri are surveyed is the Fifth Principal Meridian, a line extending north and south through the point of confluence of the Arkansas and Mississippi rivers. Northwardly it extends to the British frontier, passing about thirty-six miles west of St. Louis, and a little east of Muscatine, Iowa.

**Range Lines**—On each side of a principal meridian,



at intervals of six miles, subordinate meridians are established. These and the divisions of land set apart by them are numbered progressively east and west from the principal.

**Base-line**—A parallel of latitude is carefully surveyed and marked in the same manner as the principal meridian. This parallel crosses the meridian at right angles. It is the base-line. Missouri is surveyed from the base-line which extends east and west from the mouth of the St. Francis River. It passes through Arkansas near Little Rock.

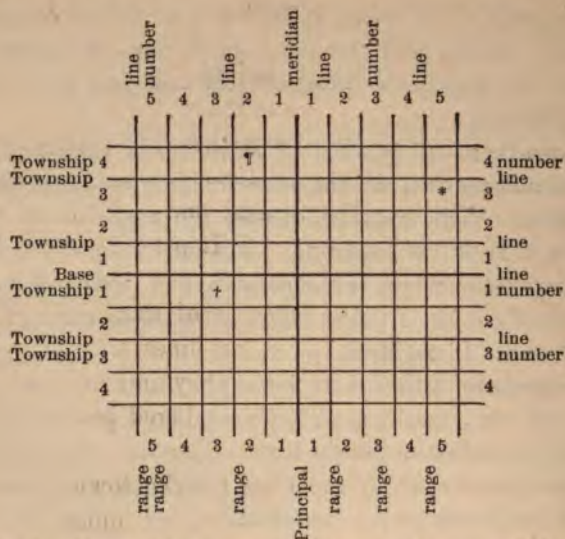
**Township Lines**—At intervals of six miles on each side of the base-line subordinate lines are surveyed. These are called township lines. They and the divisions of land established by them are numbered progressively north and south of the base-line.

**Townships**—The range lines and the township lines thus divide the land into townships six miles square. They are called Congressional townships because established by act of Congress. As pointed out, they are numbered consecutively east and west of the principal meridians, and north and south of the base-lines. The following diagram will assist the student.

The first tier of townships north of the base-line are all numbered 1, the second tier 2, etc. South of the line all in the first tier are numbered 1, the second 2, etc.

Again, all in the first tier lying east of the principal meridian are numbered 1, the second tier 2, the third 3, etc. West the numbers proceed progressively in the same manner.

**Description**—In the diagram the one starred is described thus: Township 3 north, of range 5 east of the fifth principal meridian. The one marked ¶ is de-



scribed: Township 4 north, of range 2 west of the fifth principal meridian. The one marked with a dagger is: Township 1 south, of range 3 west of the fifth principal meridian.

**Convergence of Meridians**—At the base-line the subordinate meridians are six miles apart. Since they are true meridians of the earth's surface, as they run towards the north they converge, while to the south of the base-line they diverge. To correct this convergence and divergence, at appropriate intervals on the north and south of the base-line, correction lines are established. These, practically, are subordinate base-lines. On the correction lines the townships are again made exactly six miles wide.

The townships rarely contain exactly thirty-six square miles, but "more or less," depending chiefly on their position south or north of the base-line.

**Sections**—The township is divided into square miles by lines crossing each other at intervals of one mile—subject to the convergence and divergence mentioned. Thus are formed the thirty-six sections of the Congressional township. They are numbered as in the diagram, consecutively, back and forth from the northeast corner.

.....Six Miles.....

6	5	4	3	2	1	.....Six Miles.....
7	8	9	10	11	12	
18	17	16	15	14	13	
19	20	21	22	23	24	
30	29	28	27	26	25	
31	32	33	34	35	36	

**“More or Less”**—Although the laws of Congress provide that each section, with its subdivisions, shall be held to contain the exact quantity indicated by the returns of the Surveyor-General, it is the legal practice to insert in deeds conveying land the words “more or less.”

**Unit of Survey**—The Congressional township is the unit of the United States Land Survey. As shown above, it is a tract of land six miles square. It is a division of the United States rather than of a State. The boundaries of a State frequently cut township lines irregularly.

The Congressional township is common to all the States and Territories which are subject to the system of the public survey. It is merely a division of the land. If a civil township happens to coincide with the Congressional township, the former is distinguished by a name,



while the latter is still known by its range and township numbers. This shows the true use of the Congressional township;—to secure the accurate division and description of land.

**Division of Section**—Each section contains six hundred and forty acres. This is divided into sixteen subordinate squares of forty acres each, “more or less.”

Section.



If we assume the diagram to represent section 17, in township 42 north, range 21 west of the fifth principal meridian, the forty acres starred would be thus described: The southwest quarter of the northeast quarter of section 17, etc., as above.\*

**An Excellent System**—From the foregoing description of the public survey, it is manifest that the system is an excellent one.

*a.* For dividing the land into regular portions of any desired size, and for

*b.* Convenience and accuracy in making description thereof.

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\* The teacher should allow the pupils to make many descriptions.

TOPICAL ANALYSIS

**System of the Township Survey.**

I. A UNIFORM SYSTEM.

- a.* Due to legislation.
  - 1. Congress of Confederation.
  - 2. Constitutional Congress.
- b.* Standard lines.
  - 1. Principal meridians.
  - 2. Base lines.
- c.* Subordinate lines.
  - 1. Range-lines.
  - 2. Township lines.
  - 3. Correction-lines.
- d.* Convergence and divergence.
  - 1. Cause.
  - 2. How corrected.
- e.* Missouri included.
  - 1. Basis of her survey.
    - a.* Meridian.
    - b.* Base-line.
  - 2. Townships.
    - a.* How established.
    - b.* Area.
    - c.* How numbered.
    - d.* Description.
  - 3. Sections.
    - a.* How arranged.
    - b.* Area.
    - c.* Description.
  - 4. Unit of survey.
    - a.* A land division.
    - b.* How distinguished.



## II. AN EXCELLENT SYSTEM.

- a. For dividing land into given areas.
- b. Convenient description.

## CHAPTER VII

## THE MUNICIPAL TOWNSHIP UNDER COUNTY ORGANIZATION

**Preliminary**—It has been remarked (Young's Government Class-book, p. 56) that in New England the townships were first established, and were united into counties later. In Missouri the counties are formed first, and for convenience in the administration of local government are divided into municipal townships. The county is established by the State, the township by the county court.

**A Civil Division**—The municipal township under county organization, is a division of the county for election purposes. It serves also, by dividing the county into districts, to simplify the management of local affairs. It is not a corporation, as it is under township organization. It cannot hold property, cannot sue or be sued. It is scarcely entitled to the term "municipal," which is applied to it, since it is in no sense a corporation.

In dividing the county into civil or municipal townships the Congressional township is disregarded. The question being solely one of expedience, the boundaries of the former do not often conform to those of the latter.

The county court is authorized to divide the county into convenient townships, erect new ones, or change the boundaries of those existing as occasion may require.

**Names Recorded**—The names and boundaries of townships are transmitted to the Secretary of State, who records them in books prepared for the purpose.

**Election District**—The township constitutes the election district, although, if public convenience will be served thereby, the county court may divide it into two or more districts.

**Officers**—In the county organization now under consideration the township has but two classes of officers chosen by its own constituency—justices of the peace and constables. Moreover, since the jurisdiction of these officers is coextensive with the county, they can scarcely be classed as distinctive township officers.

Each township elects at least two justices of the peace and one constable. Under the law prescribed for populous townships, this number may be increased, the township being divided into districts, each of which is entitled to one justice of the peace. Under certain circumstances the law empowers the county court to appoint two additional justices.

**Term and Election**—The official term of a justice is four years; of a constable, two years. These officers are chosen at the general elections by the qualified voters of the township.

**Justice, Eligibility**—To be eligible to the office of justice of the peace a person must be a citizen of the United States, an inhabitant of the State for twelve months, and of the township for which he is chosen six months, next preceding his election.

**Jurisdiction**—Justices of the peace have a general jurisdiction in civil cases,\* and in proceedings for the

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\* *Civil*, as distinguished from *criminal*.

recovery of money when the sum demanded (not including interest and costs) does not exceed two hundred and fifty dollars; in cities of fifty thousand people or more their authority extends to cases where the amount in dispute does not exceed three hundred dollars; and in cities of three hundred thousand or more five hundred dollars marks the limit of their jurisdiction in such cases.

In suits against railroads for injuring or killing stock in their townships the above limitations have no application, justices having jurisdiction in any amount.

A justice of the peace may "bind over" (*i. e.*, hold for trial by a higher court) a person accused of crime if upon preliminary examination before him there is sufficient evidence to create a presumption of guilt. In such cases the accused may be released on bail,\* or the justice may commit him to jail to await the action of the grand jury.

The territorial jurisdiction of the justice is coextensive with the county. He is a conservator of the peace for his county.

**Limitations**—The statutes of the State deny jurisdiction to justices in certain cases. Thus they have no authority to hear or try actions against administrators or executors; nor any action of slander, libel, malicious prosecution or false imprisonment; nor any action where the title to real estate is in question; nor any case of a strictly equitable character.†

**Constables**—The constable is the executive officer of a justice's court, and serves all process issuing therefrom. It is his duty to arrest all persons offending

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\* Young's Government Class-book, p. 80.

† *Equity*, as distinguished from *law*.



against the laws in his presence. He may exercise his authority anywhere within the county.

**Eligibility**—He must be an elector of the township for which he is elected, and must give bond for the faithful discharge of his duties.

**Compensation**—Under the general laws of the State, justices and constables are paid for their services by fees, which are regulated by statute. But, by special legislation, in St. Louis the justice receives a salary of \$2500 per year and the constable \$150 per month, payable out of the city treasury; in Kaw township (in which Kansas City is located), each justice receives a salary of \$2000 per year and each constable \$100 per month, payable out of the county treasury.

This special legislation does not dispense with fees, but all fees collected by the clerk\* or by the constable are paid into the city treasury in St. Louis and into the county treasury in Kansas City.

#### TOPICAL ANALYSIS

### The Township Under County Organization.

#### I. ITS FORMATION.

- a. A civil division only.
- b. Congressional township disregarded.
- c. County court may change.
- d. Record of name and boundaries.

#### II. AN ELECTION DISTRICT.

#### III. OFFICERS OF TOWNSHIP.

- a. Two classes.
  1. Justice.

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\* In the large cities, like St. Louis and Kansas City, the justice's court is entitled to a clerk, whose duties are about those of a clerk of the circuit court.

2. Constable.
  - a. Number.
  - b. When elected.
  - c. Term of office.

IV. JUSTICE OF THE PEACE.

- a. Eligibility.
- b. Jurisdiction—cases.
  1. In general.
  2. In certain cities.
  3. Injury or destruction of stock.
  4. In criminal cases.
- c. Jurisdiction—territorial.
- d. Conservator of the peace.

V. CONSTABLES.

- a. Eligibility.
- b. Duties.
- c. Compensation.
  1. In connection with court.
  2. Personal.

## CHAPTER VIII

### THE MUNICIPAL TOWNSHIP

*The County under "Township Organization."* 1

**Preliminary**—The Constitution of 1875 authorized the General Assembly to provide for *township organization* of the county, and that body has, in accordance with the authority so granted, enacted a law providing a plan for that purpose, which will be briefly described:

On petition of one hundred legal voters of the county,



the County Court is required to submit the question of township organization to the qualified voters of the county, at any regular election. If a majority of the votes cast at such election is in favor of this method, then on the last Tuesday in the following March (and on the same date of every second year thereafter) township officers are elected. The names and duties of these officers will be given in a subsequent paragraph.

**Object**—Township organization has for its object the establishment of complete local government, much of the business that is transacted by the county officers of other counties being transferred by this plan to the township officers.

**Authority**—The township thus becomes a political factor, clothed with an authority which clearly entitles it to the name *municipal township*. It now has corporate powers and enjoys all the privileges in law which that distinction confers.

These are some of its powers:

1. To be a party, plaintiff or defendant, in a civil suit.
2. To purchase and own real estate within the township.
3. To make necessary contracts and to purchase such personal property as may be requisite to exercise its corporate and administrative powers.
4. To make such use or disposition of its property as may subserve the public interests.
5. To secure a debt due to it in its corporate capacity, it may purchase and dispose of real estate.

Under township organization the management of the business affairs of the township vests in local officers.

**Officers**—The executive and administrative officers are the following:

A township board of directors, composed of a township trustee and two directors.

The trustee is *ex officio* treasurer.

A clerk, who is also assessor, and clerk of the township board.

A collector.

A road overseer for each road district of the township.

Two justices of the peace and one constable. In populous townships the number may be increased.

**Term of Office**—The officers named serve for two years, except the justices, whose term is four years.

**Qualifications**—To be eligible to a township office, a person must be a legal voter, a resident of the township, must take the oath prescribed by law, and file with the township clerk an acceptance of the office to which he is elected.

A road overseer must be a resident tax-payer of the road-district, and must have resided therein one year prior to election.

The treasurer, collector, constable, and road-overseers must give bond for the faithful performance of their duties.

#### TOPICAL ANALYSIS

##### **Township Organization.**

##### I. POWER TO EFFECT CONFERRED.

*a.* On what body.

*b.* Purpose.

*c.* The plan.

1. Petition.

2. Submission.

##### II. THE MUNICIPAL TOWNSHIP.

*a.* Authority as a corporate body.

- b. Other powers.  $\left\{ \begin{array}{l} 1. \\ 2. \\ 3. \\ 4. \\ 5. \end{array} \right.$
- c. Officers.
1. Executive and administrative.
  2. Judicial.
  3. In double capacity.
  4. Qualifications.
    - a. General.
    - b. Special—Road overseer.
    - c. Bond.
- d. Elections.
1. How often.
  2. When.
- e. Term of office.

## CHAPTER IX

## THE MUNICIPAL TOWNSHIP

*County under Township Organization.* 2

**Township Board**—This board is composed of the township trustee and two members called directors. It organizes by electing one of its number president.

The duties of clerk of the board are performed by the township clerk.

**Duties**—The board is authorized—

1. To hold such meetings, regular and special, as are necessary for the dispatch of township business.
2. To adjust claims and demands against the town-



ship, including the accounts of the officers, except the assessor.

3. Draw orders on township trustee (treasurer) for all claims allowed.

4. Levy township taxes for roads, bridges, etc.

5. Divide the township into convenient road-districts.

6. Let contracts for bridges costing from twenty-five to fifty dollars.

7. Make annual estimate of money necessary to defray the township expenses.

**Compensation**—For services on the board the members and the clerk receive one dollar and fifty cents per day for actual service, though the clerk and trustee may be paid by fees instead of a per-diem stipend.

**Trustee, Ex Officio Treasurer**—This officer—

1. Is the custodian of the township funds.

2. He disburses township money on the order of the township board, and

3. School-money on order of the school directors of the districts entitled to it.

4. Keeps itemized accounts with the separate funds in his hands.

5. In certain cases, brings suit to secure penalties and forfeitures due the township.

6. Settles annually with township board.

**Compensation**—This officer for services as trustee receives one dollar and fifty cents per day; as treasurer, two per cent of all money received and disbursed by him, if the sum be one thousand dollars or less. On sums above that amount he receives one per cent.

**Collector**—This officer is the tax-collector of the township.

1. He receives the tax-list from the county clerk.

2. When collecting taxes he must call at least once on each taxpayer in the township.

3. Must make a monthly settlement with the township treasurer, the county clerk, and the county treasurer.

4. Make an annual settlement with the county court and the township board.

5. May distrain the goods and chattels of delinquents.

6. Keep separate account of money collected for each of the township school districts.

**Compensation**—The collector receives two and one-half per cent of his collections.

**Clerk**, who is also *ex officio* assessor—

1. Has custody of the township books and records.

2. Is clerk of the township board.

3. In the dispatch of the township business he has authority to administer oaths.

4. Procures the books and stationery requisite for the township business.

5. Makes the assessment-lists for the township and files them with the county clerk.

6. Performs duties relating to elections.

**Compensation**—For services as township clerk, one dollar and fifty cents per day; for other services pertaining to his office as clerk and as assessor, such fees as are established by law.

**Road Overseer**—Each road overseer has the care and superintendence of the highways and bridges in his district. His compensation is fixed by the county court.



TOPICAL ANALYSIS

**Township Organization.**

**I. TOWNSHIP BOARD.**

*a.* How constituted.

*b.* How organized.

*c.* Duties. { 1.  
2.  
3.  
4.  
5.  
6.  
7.

*d.* Compensation.

**II. TRUSTEE EX OFFICIO TREASURER.**

*a.* Duties. { 1.  
2.  
3, etc.

*b.* Compensation.

**III. COLLECTOR.**

*a.* Duties. { 1.  
2.  
3, etc.

*b.* Compensation.

**IV. CLERK EX OFFICIO ASSESSOR.**

*a.* Duties. { 1.  
2.  
3, etc.

*b.* Compensation.

**V. ROAD OVERSEER.**

*a.* Duties.

*b.* Compensation.

## CHAPTER X

## PUBLIC EDUCATION

*District-school System.* 1

**In Former Days**—The first settlements in America made provision for the maintenance of public schools. As early as 1647 the Legislature of Massachusetts, “to the end that learning shall not be buried in the graves of our forefathers,” ordered that every township containing fifty families should maintain a school in which children should be given an elementary education. Prior to this many of the townships had appropriated funds for the support of schools.

**A Worthy Example**—This worthy example of the fathers became the ambition of the sons; and laws providing for the establishment and maintenance of schools are common to the legislation of the States.

**A Quotation**—The Constitution of Missouri provides as follows:

“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.”

**School Districts**—In carrying out this provision, school districts are established throughout the State. These territorial divisions are the administrative areas for school purposes.

**A Body Corporate**—The school district is a body

corporate; that is, within the limits of its authority it may do business as an individual engaged in similar transactions. It may sue and be sued, may own real and personal property, and exercise other powers intrusted to its keeping.

**A Notable Gift**—The act of Congress authorizing the people of Missouri to form a State constitution, set aside one section (16) in each township for the use of the schools. Whatever has been derived from the rent or sale of those tracts is devoted to the use of the public schools. \* A national gift on a magnificent scale! It is the pride of an American that this one offering to public education is a benefaction unequalled by any other nation. Doubtless this grant, extended to many States as well as our own, has profoundly influenced the development of education in our country.

In addition to the above, certain tracts of land were set apart for the maintenance of the State university.

**Formation of District**—The school district is formed of contiguous territory in the manner prescribed by law. Local conditions and circumstances determine its form and area, the convenience and wishes of the people being of first importance in this matter.

The minimum limit for a district is one of school population rather than of territorial extent. The law provides that a district may be formed for twenty pupils of school age. Any territory not organized into a school district and containing a less number may be attached to an adjoining district.

**District Meeting**—At the annual meeting held on the first Tuesday of each April the people of the district exercise their right to direct its affairs. The powers of this meeting are as follows:

1. To organize by the election of a chairman and a secretary.
  2. Select by ballot a director for the full term.
  3. Also, to fill any existing vacancies on the board of directors.
  4. To fix—
    - a.* The length of the school term in excess of six months.\*
    - b.* The rate, if any, of school tax in excess of four mills on the dollar necessary to be levied.
  5. Vote money to purchase books for school library.
  6. Decide proposed changes in boundary lines of district.
  7. Direct the sale of disused property and dispose of the proceeds thereof.
  8. Vote for county commissioner.
  9. Determine the tax necessary for a school-site, schoolhouse, and furnishings.
  10. If school-site be undetermined, to choose one.
  11. To change the location of a school-site.
- Some of these enumerated powers may also be exercised at special meetings called for the purpose.

#### TOPICAL ANALYSIS

##### **Public Education.**

##### **I. THE SCHOOL SYSTEM.**

##### *a.* In times past.

1. Provision for schools.
2. Reason therefor.

---

\* Each district must hold six months of school yearly if the minimum levy of tax plus the income from the public funds provide means sufficient therefor.

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- b. A worthy example.
- c. A quotation.
- d. The school district.
  - 1. An administrative area.
  - 2. A body corporate.
    - a. Powers possessed.
- e. A notable gift.
  - 1. Of what constituted.
  - 2. A comparison.
- f. Formation of district.
  - 1. Contiguous territory.
  - 2. For public convenience.
  - 3. Minimum limit.
- g. The district meeting.
  - 1. Powers. 

{	1.
{	2.
{	3.
{	4.
{	5.
{	6.
{	7.
{	8.
{	9.
{	10.
{	11.

CHAPTER XI

PUBLIC EDUCATION

*The District-school System.* 2

**The District Board**—The government and control of the district is vested in a board of directors composed



of three members. They are chosen, one each year, at the annual meeting.

**Eligibility**—To be eligible to membership on the board, a person must be—

- a.* A citizen of the United States.
- b.* A resident tax-payer.
- c.* A qualified voter of the district.
- d.* One who has paid a State and county tax within one year next preceding his election.
- e.* He must subscribe to the official oath.

**Term**—The term of office is three years, one member retiring annually.

**Organization**—The board organizes each year by selecting a president from its membership. The clerk may be a member or not, as the board may please.

**Authority**—The district board of directors—

1. Has the custody of the schoolhouse and other property of the district.
2. Audits and allows claims against the district.
3. Provides apparatus, fuel, and other necessary material for the school.
4. Prescribes courses of study, and makes rules for the organization, grading, and government of the school.
5. Attends to the issue, sale, and redemption of bonds authorized by district for school purposes.
6. Provides for keeping schoolhouse clean, warm, and in good repair during terms of school.
7. Employs teachers, and makes contract with them.
8. Forwards annually to the county clerk the enumeration of the district and an estimate of funds necessary for the succeeding year.
9. Provides for the admission to the school of non-resident pupils.

**Clerk of Board**—This officer must—

1. Keep the records of the district.
2. Make annual report to county school-commissioner.
3. Make copies of election notices, contracts, and other papers relating to the business of the district, and securely preserve them.
4. Provide necessary books and registers.
5. Post notices for annual and special meetings.

**Vacancies**—The board fills vacancies in its own membership; except that in case of disagreement or the occurrence of two vacancies at one time, the county commissioner is authorized to fill them.

The appointee to a vacancy serves until the next annual meeting.

**High-school Districts**—Village and rural districts may enjoy high-school privileges by means of the following provisions, Laws of 1895:

Whenever any school district will provide, equip, and maintain a suitable building, it may invite three or more neighboring districts to unite with it to sustain a central high-school.

The question of union is submitted to vote at the annual meeting in each district affected.

If the central district, the one to provide the building, and not less than three others vote in favor of the proposal, the central high-school district is thereby formed.

The boards of the several districts voting on the question meet in the central district on the first Tuesday after the annual meeting. The members of those boards belonging to the districts which voted affirmatively on the question of union constitute the central high-school

board. It organizes by electing a president and a secretary from the membership indicated.

A high-school fund is established by setting aside for that purpose a portion of the teachers' fund, not exceeding one fifth, of each district in the union. Such arrangements are also made as may be necessary to employ teachers for the high school.

The central high-school board is authorized to make rules and regulations for the high school in the same manner as the ordinary district boards for the schools under their control.

The term of the high school must not exceed the average length of the schools of the several districts united in the high-school district.

#### TOPICAL ANALYSIS

#### The District-school System.

##### I. THE DISTRICT BOARD.

##### *a.* Its membership.

- |                 |   |   |
|-----------------|---|---|
| 1. Eligibility. | { | <i>a.</i><br><i>b.</i><br><i>c.</i><br><i>d.</i><br><i>e.</i> |
|-----------------|---|---|

##### 2. Term of office.

##### *b.* Organization.

##### 1. President.

##### *a.* Duties.

##### 2. Clerk.

##### *a.* Duties

- |                      |   |                      |
|----------------------|---|----------------------|
| <i>c.</i> Authority. | { | 1.<br>2.<br>3.<br>4. |
|----------------------|---|----------------------|



- c. Authority.  $\left\{ \begin{array}{l} 5. \\ 6. \\ 7. \\ 8. \\ 9. \end{array} \right.$

d. Vacancies.

## II. HIGH-SCHOOL DISTRICTS.

- a. The first step.  
 b. Submission of proposition.  
 c. The central high-school board.  
     1. How organized.  
     2. Its authority.  
       a. Teachers' fund.  
       b. Employment of teachers.  
       c. Rules and regulations.  
       d. General powers.

## III. LENGTH OF HIGH-SCHOOL TERM.

# CHAPTER XII

## PUBLIC EDUCATION

### *City, Town, and Village Systems*

**System adopted**—A city, town, or village may pass from general to special school-district organization with enlarged powers and officered by a board of six directors.

**Method**—To effect this, a petition of ten voters should be directed to the district board, who thereupon shall call a meeting of the qualified voters of the district. This meeting, upon organization, may ballot on the question of the proposed change. If a majority of the votes be cast in favor thereof, the change is ordered.

The meeting then proceeds to the selection of a board

of six directors: two for one year, two for two years, and two for three years. This completes the work of the meeting.

**Annual Meeting**—Thereafter, at each annual election in April, two directors are chosen for three years.

Vacancies are filled in the same manner as on the boards of other school districts.

**Authority of Board**—The schools of the district are under its care and direction. The board is invested with all the rights and powers of the ordinary district board, with some other duties and privileges. Among the latter may be mentioned the following:

(a) To choose sites and erect adequate buildings for the lower school grades of the district. (b) To designate their district or ward boundaries. (c) Establish a high school, providing therefor suitable equipment, teachers, and courses of study. (d) Dispose of property no longer needed by the district. (e) Provide a library for the district use.

**Board Organization**—The board organizes within four days after its election by choosing a president and a vice-president from its membership. On or before the fifteenth day of July of each year a secretary and a treasurer are chosen by the board. These officers may be taken from board membership or not, as may seem most fitting. They are the only persons connected with the board by membership or office who may receive remuneration for their services.

**School Term**—In village, town, and city districts schools must be maintained annually for not less than seven nor more than ten months.

**Schools of St. Louis**—The schools of cities having a population of over three hundred thousand are organ-



ized under special provisions of law. At present this affects the city of St. Louis alone.

The school board is composed of twenty-one members, each elected for four years. Seven are chosen from the city at large, and fourteen from election districts established for the purpose. The elections occur every second year; the whole number, twenty-one, being divided into groups of eleven and ten, which are elected alternately.

An act of 1895 provides for the establishment of a fund to pension teachers and administrative and clerical employés who have served the city for long periods.

**Kansas City and St. Joseph**—Cities having a population of more than fifty thousand and less than three hundred thousand are governed by the act of the General Assembly passed in 1893, as amended in 1895. This applies to the cities of Kansas City and St. Joseph.

The schools of these cities are managed by boards of six directors. The character of permanence is given to them by making the term of the members six years, so arranged that two retire every second year. The elections occur in April of each even-numbered year.

Except as specially provided in the act, the boards of the cities named have the same powers as those of districts acting under the general laws of the State.

Among the special powers given is that of providing for examining teachers and granting certificates—a duty devolving upon the county school commissioner or county superintendent in other cases.

#### TOPICAL ANALYSIS

##### City, Town, and Village Schools.

##### I. RIGHT OF CHANGE CONFERRED.

##### a. Method.

1. Petition to board.
2. Meeting of voters.
3. Change ordered.
4. Board elected.

## II. THE CITY BOARD.

### *a.* Authority.

1. Has charge of schools.
2. Powers of ordinary board.

3. Certain special powers.  $\left\{ \begin{array}{l} a. \\ b. \\ c. \\ d. \end{array} \right.$

### *b.* Organization.

1. President and vice-president.
2. Secretary and treasurer.

## III. LENGTH OF SCHOOL TERM.

## IV. SCHOOLS OF ST. LOUIS.

### *a.* Board of directors.

1. How composed.
2. When elected.
3. Term.

### *b.* Pension fund.

## V. KANSAS CITY AND ST. JOSEPH.

### *a.* Boards of directors.

1. Number.
2. Term of office.
3. How arranged.
4. Powers.

## CHAPTER XIII

### THE MAINTENANCE OF THE SCHOOLS

**Sources of Support**—The support of the public schools is provided for by—

- a. An annual appropriation from the State revenue.
- b. The income derived from the permanent school funds.
- c. Local taxation.

**Appropriation from Revenue**—The Constitution provides that the General Assembly shall appropriate annually for the support of the public schools not less than one fourth of the State revenue. For some years the Assembly has set apart for this purpose one third of all moneys paid into the State treasury.

**The Permanent School Funds** now amount in the aggregate to more than twelve millions of dollars. They follow in detail.

**State Fund**—The State fund had its origin in an Act of Congress of June 13, 1812, the passage of which was urged by Thomas F. Riddick, a former Virginian, who cast his lot with the territory before it was known as Missouri. Certain unclaimed lands were by this act reserved for school purposes. This fund is constantly increased by money derived from certain fines, penalties, and forfeitures; by moneys that accrue to the State by escheat, by gift, or from unclaimed dividends; by the proceeds from the State tobacco warehouse, and additions from other sources.

The fund now aggregates more than three million dollars. It is invested in various securities, including

Missouri State bonds and United States bonds, a part of it being secured, also, by State certificates of indebtedness. The principal is constantly increasing; the interest only is used for school expenses.

**County Fund**—The permanent school fund of each county has slowly accumulated from various sources. It is increased by the net proceeds from the sale of estrays; by penalties, forfeitures, and fines exacted for violation of the penal or military laws of the State; and by money paid for exemption from military service.

This fund is invested by the county court, and the interest arising therefrom is divided annually among the county schools, the principal remaining intact.

The county funds of the State aggregate more than four millions of dollars.

**Township Fund**—The permanent school fund of each township is derived principally from the proceeds, rents, and profits of the sixteenth section, which was set apart for school purposes by the Act of Congress authorizing the territory to become a State. It is invested by the county court, and the interest derived is divided among the districts of the township.

The gross amount of the township funds of the State approaches four millions of dollars.

**District Fund**—The law provides that any district having surplus funds may apply to the county court to invest them for the use of the district. The amount thus invested in the State is about sixty thousand dollars.

**Apportionment**—The State superintendent apportions to the various counties the income of the State fund, and also that portion of the State revenue set apart by the Assembly for the use of the schools. The State auditor forwards to the county treasurers warrants



drawn upon the State treasurer for the amounts thus apportioned.

The county clerk divides the State apportionment among the districts of the county in accordance with the enumeration of pupils of school age.

**Taxation**—Although the income of the common-school funds is a valuable aid, the greater part of the cost of the schools is raised by direct taxation in the school districts. The amount necessary for each district is certified to the county clerk, and it is levied and collected with the general tax.

#### TOPICAL ANALYSIS

#### **The Maintenance of the Schools.**

##### I. SOURCES OF SUPPORT.

*a.* —

*b.* —

*c.* —

##### II. APPROPRIATION FROM REVENUE.

*a.* How made.

*b.* Minimum.

##### III. STATE FUND.

*a.* How derived.

*b.* Investment.

*c.* The income.

##### IV. COUNTY FUND.

*a.* Its source.

*b.* Its investment.

*c.* Income.

##### V. TOWNSHIP FUND.

*a.* From what source.

*b.* What authority invests it.

*c.* Disposal of income.

VI. DISTRICT FUND.

VII. APPORTIONMENT.

a. Funds apportioned.

b. By whom.

c. How distributed.

VIII. LOCAL TAXATION.

a. How managed.

## CHAPTER XIV

### GOVERNMENT OF CITIES, TOWNS, AND VILLAGES 1

**Right Conferred**—In pursuance of authority vested in it by the State Constitution, the General Assembly has provided for the organization, classification, and incorporation of the cities, towns, and villages of the State. This is done for the purpose of establishing therein adequate governments for the control and management of local affairs.

#### *Classification*

**Cities of First Class**—Cities and towns having one hundred thousand inhabitants and upwards.

**Cities of Second Class**—Those having a population of thirty thousand and less than one hundred thousand.

**Cities of Third Class**—All those which have a population of three thousand and less than thirty thousand.

**Cities of Fourth Class**—Those whose population is five hundred and less than three thousand.

Also, towns of less than five hundred which were incorporated under special law prior to the passage of the statute of classification (1879) may elect to become cities of the fourth class.

**Special**—The city of St. Louis, although governed in some respects by the general laws relating to cities of the first class, is specially organized under a "Scheme and Charter" authorized by the Constitution. This puts it, practically, in a special class. Kansas City is thus the only city organized as one of the first class.

**Villages**—All towns of less than five hundred population are classified as villages, unless at the time of the adoption of this provision the town was incorporated and had gained a right to another classification.

**Not Retroactive**—The above classification supersedes that in operation prior to 1879. Notwithstanding, cities and towns then organized were allowed to retain their organization or to change to the new system. A number have not yet conformed to the later classification.

**Purpose Suberved**—As cities and towns vary greatly in population they present different problems for the philosophy of government to solve. The purpose of classifications is to simplify these problems by providing governments suitably organized for the varying conditions presented.

**Subordinate**—All the classes enumerated, with the exception of St. Louis, remain subordinate in governmental authority to the counties in which they are situated. St. Louis sustains to the State government the relations of a county.

**The First Class**—City government in this class includes the threefold function, legislative, executive, and judicial.

**Legislative**—In cities of the first class the legislative body is called the "Municipal Assembly." It consists of two Houses: the Council, composed of thirteen members elected from the city at large, and a House of



Delegates, consisting of a member from each ward of the city. Members of both Houses are chosen for four years.

This body has authority to pass such ordinances, rules, and regulations, not inconsistent with the laws of the State, nor repugnant to them, as may be necessary for the city to exercise its powers, and suitably protect its citizens and provide for their welfare.

**Executive and Administrative**—The following are the executive and administrative officers of a city organized as one of the first class:

*Elective*

Mayor.	Collector.
Comptroller.	Recorder of deeds.
Auditor.	Sheriff.
Treasurer.	Coroner.
Register.	Marshal.
Public administrator.	
Inspector of weights and measures.	
President board of assessors.	
President board of public improvements.	

*Appointive*

City counselor.	City attorney.
District assessors.	Jailer.
Superintendent of workhouse.	Gas commissioner.
Superintendent of house of refuge.	
Commissioner of supplies.	
Assessor of water rates.	
Superintendent of fire and police telegraph.	
Five commissioners of charitable institutions.	
Board of police commissioners.	



Board of election commissioners.

Street commissioner.            Water commissioner.

Sewer commissioner.            Park commissioner.

Harbor and wharf commissioner.

The last five, with the president named above, constitute the board of public improvements.

Officers give bonds for the faithful performance of duty in such sums as the Municipal Assembly may fix, and all hold office for four years.

**Judiciary**—The city judiciary consists of police courts, presided over by police justices. These courts have jurisdiction over cases arising under the city ordinances, and otherwise as the law may direct. The State courts have jurisdiction coextensive with the State, hence have authority in cities as elsewhere.

The Criminal Court of Jackson County holds terms at Kansas City and Independence—three regular terms per year at the former and two at the latter place. In criminal cases arising in the county it has extensive jurisdiction.

**Mayor of any City**—The mayor is the chief executive officer of a city in whatever class it may rank.

**St. Louis**—At the time of the adoption of the present Constitution St. Louis was the county-seat of St. Louis county. The Constitution provided for a reorganization of the city under the "Scheme and Charter," which separated it from St. Louis County and established it as an independent local government having the general relation to the State government of a county.

The legislative power is vested in the Municipal Assembly, consisting of Council and House of Delegates; the former being composed of thirteen members, elected from the city at large for four years, the latter of one member from each ward, chosen biennially. This body is author-

ized to pass such ordinances consistent with the charter and State laws as may be expedient to maintain good government in the city and secure the welfare of its people.

The executive and administrative officers are the same as those of a city of the first class.

A board of police commissioners consisting of four members appointed by the governor, with the mayor as president, have general charge of the police force of the city.

The distinct city judiciary is composed of the police courts, over which police justices preside.

The State judiciary has special organization for St. Louis.

The courts of justices of the peace are found in cities of every class.

**Elective and Appointive Officers**—In all cities the elective officers are chosen by the people at the city elections. Except as mentioned, the appointive officers are appointed by the mayor by and with the consent of the legislative body, or by the legislative body itself. Boards of police commissioners, and a part of the membership of boards of election commissioners, are appointed by the governor.

#### TOPICAL ANALYSIS

##### City Classification and Government.

###### I. ASSEMBLY PROVIDES CLASSIFICATION.

- |                    |   |           |
|--------------------|---|-----------|
| <i>a.</i> Classes. | { | 1. —      |
|                    |   | 2. —      |
|                    |   | 3. —      |
|                    |   | 4. —      |
|                    |   | Special.  |
|                    |   | Villages. |

- b.* Not retroactive.
- c.* Purpose subserved.
- d.* Subordinate.

II. THE FIRST CLASS.

- a.* Threefold government.
  - 1. Legislative.
    - a.* How composed.
    - b.* Powers and duties.
  - 2. Executive.
    - a.* Elective.
    - b.* Appointive.
    - c.* Some duties.
  - 3. Judicial.
    - a.* The city system.
    - b.* The State system.
    - c.* County criminal court.

III. NUMBER OF FIRST-CLASS CITIES.

IV. ST. LOUIS.

- a.* Formerly.
- b.* Present organization.
  - 1. Legislative.
  - 2. Executive.
  - 3. Judicial.

V. OFFICERS DISTINGUISHED.

- a.* Elective.
- b.* Appointive.

CHAPTER XV

GOVERNMENT OF CITIES, TOWNS, AND VILLAGES. 2

**Cities of Second Class**—In cities of the second class, the legislative authority vests in a common council. It



is composed of two members from each ward of the city; one being elected by the ward on the odd-numbered year, the other by the city at large on the even-numbered year. Thus the term of service is two years.

**Powers of Council**—This body may legislate by ordinance consistent with State law, for the government of the city and the welfare of its people.

**The Executive** and administrative officers are as follows:

*Elective*

Mayor.	Auditor.
Attorney.	Treasurer.
Two members board of public works.	

*Appointive*

City clerk.	Counselor.
City engineer.	Comptroller.
Assessor.	
One member board of public works.	
Board of police commissioners.*	

The official term of all officers is two years.

**Judicial Authority**—Cities of the second class have police courts presided over by police judges.

The Criminal Court of Buchanan County has special jurisdiction in St. Joseph. It has been mentioned that the State courts have jurisdiction in every part of the State.

St. Joseph is the only city of the State entitled to the privileges of this class.

**Cities of Third Class**—The council is the legislative body in cities of the third class. It is composed of two

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\* Appointed by the governor.



aldermen from each ward of the city. They serve for two years, one being elected annually.

**The Council** may enact such ordinances not in conflict with State law as may be necessary for the government and welfare of the city.

**Executive and Administrative**—The officers who direct the affairs of a city of the third class are the following:

*Elective*

Mayor.	Assessor.
Marshal.	Collector.
Attorney.	Treasurer.
Police judge.	

*Appointive*

City clerk.	Street commissioner.
City police.	

Other officers as council may authorize.

All are elected for a period of two years.

**Judiciary**—The city judiciary consists of a police court, over which presides a police judge. The police judge is a conservator of the peace, and has exclusive original jurisdiction over violations of city ordinances.

**Cities of Fourth Class**—The legislative powers of a city of the fourth class are vested in a board of aldermen. Each ward is represented by two aldermen, whose terms expire on alternate years. This causes one to be chosen from each ward annually. The mayor is president of the board.

**The Authority** of the board of aldermen is similar to that reposed in the legislative bodies of the municipalities before considered: to pass by ordinance such meas-

ures, not inconsistent with the laws of the State, as may serve to promote the interests of the city.

**Executive and Administrative** officers are chosen for two years. The elective officers are—

Mayor, (Police judge),	Collector,
Marshal,	Assessor.

The appointive officers are—

Treasurer,	City attorney,
Street commissioner,	City clerk,
Members of the police force.	

Besides these, the board of aldermen may authorize such other officers as the needs of the city may demand.

**The Judiciary**—The Laws of 1895 provide that in cities of this class the mayor and board of aldermen may by ordinance provide for the election of police judges, who shall be elected at the regular elections. This officer is a conservator of the peace, and has exclusive original jurisdiction of all violations of city ordinances. When the office of police judge is thus created the mayor is thereby deprived of jurisdiction over offenses against ordinances except in case of the absence, sickness, or disability of the police judge.

**Length of Term**—In cities of all classes judicial officers of the city are elected at the regular city elections for terms corresponding in length to the terms of the other elective officers.

**Villages**—The villages of Missouri are of two classes: incorporated and unincorporated. In an incorporated village control is vested in a board of trustees of from five to nine members, who are elected annually. If the population of the village is not over twenty-five hundred, the board consists of five members; if more than that number, of nine members.

**Qualifications of Trustees**—A trustee must be a male citizen, twenty-one years of age, a citizen of the United States, a householder of the village, and a resident therein for a year next preceding his election.

**Powers**—This board possesses legislative, executive, and judicial authority, and exercises additional powers similar to those vested in cities of the fourth class.

The board has power to elect a chairman, and to appoint the following officers:

Assessor,  
Collector,  
Constable or marshal,  
Treasurer,

and such other officers as may be necessary.

**The president**, or chairman, has powers similar to those of a mayor of a city. He is the judicial officer of the village, having power to hear and decide cases affected by village ordinances. He also attends to levying and collecting the village taxes, for which purpose he is empowered to secure from the clerk of the county court a certified abstract of all taxable property within the village.

**Unincorporated** villages are governed as any rural precinct—by the authority of the township or county in which they are situated.

#### TOPICAL ANALYSIS

#### Government of Cities and Villages.

##### I. CITIES OF SECOND CLASS.

- a.* Legislative body.
  1. How constituted.
  2. General powers.
- b.* Executive.



1. Elective officers.
  2. Appointive officers.
  - c.* Judicial.
    1. City system.
    2. State system, etc.
- II. CITIES OF THIRD CLASS.
- a.* Legislative body.
    1. How composed.
    2. Its powers.
  - b.* Executive authority.
    1. Elective.
    2. Appointive.
  - c.* Judicial.
    1. City system.
    2. State system, etc.
- III. CITIES OF FOURTH CLASS.
- a.* The council.
    1. Its powers.
  - b.* Executive officers.
    1. Elected.
    2. Appointed.
  - c.* City judiciary.
- IV. TENURE OF JUDICIAL OFFICERS.
- V. VILLAGES.
- a.* Incorporated.
    1. Board of trustees.
      - a.* Powers.
    2. Executive officers.
  - b.* Unincorporated.
    1. How governed.



## CHAPTER XVI

## THE STATE GOVERNMENT

*Legislative Department*

**Three Departments**—As before remarked, the powers of the government of Missouri are lodged in three departments: the legislative, the executive, and the judicial. We now enter upon their study, as component parts of the State government, in the order named.

**Legislative**—The law-making power is vested in a Senate and House of Representatives. These two Houses constitute the General Assembly of the State of Missouri.

**House of Representatives**—The House is now composed of one hundred and forty representatives. The distribution of members to the different parts of the State is effected by apportionment as provided in the Constitution.

*a.* Representatives are apportioned every tenth year, 1891, 1901, etc.

*b.* The basis of apportionment is the United States decennial census.

The process may be thus described:

The number representing the population of the State is divided by two hundred. The quotient obtained is called the ratio of representation. The work performed in 1891 may be indicated thus:

Population of the State by the census of 1890, 2,679,184. This divided by two hundred gives a quotient 13,395, the ratio of representation.

Each county having one ratio or less is entitled to one representative. Before it can obtain two representatives its population must equal two and one-half ratios or 33,487. Saline county, with 33,626, has two representatives. Greene, Jasper, and St. Louis counties also have two each.

For three representatives a county must have a population equal to at least four ratios, 53,580. Buchanan county having a population of 69,938, has three representatives.

Six ratios give four representatives. After that each additional two and one-half ratios above six entitle the county to one more representative.

Jackson county, with a population equal to twelve ratios, has six representatives.

Upon the above basis, the city of St. Louis, being regarded as a county, has fifteen representatives.

If we examine the plan of apportionment, it reveals that the number in each decade may vary somewhat, yet within narrow limits.

**Term**—The official term is two years, beginning in January of each odd-numbered year.

**How Chosen**—Each representative is elected by the qualified voters of his county or district.

**When**—At the general election in the even-numbered years.

**Eligibility**—To be qualified for membership in the House, a person must be—

- a. Twenty-four years of age;
- b. A male citizen of the United States;
- c. A qualified voter of Missouri for two years;
- d. An inhabitant of the county or district for one year preceding his election;

*e.* Must have paid a county tax within the year prior to election;

*f.* Must take the official oath.

**Districts**—When from two to ten representatives are apportioned to a county, it is divided into districts by the county court. If the county be entitled to more than ten, the circuit court establishes the districts.

Six counties and one city (equivalent to a county) have more than one representative. They are named above.

**Impeachment**—The House of Representatives has the sole right to prefer articles of impeachment. (See “Impeachment.”)

**House Officers**—The chief officer of the House of Representatives is the Speaker. He preserves decorum, decides questions of order, examines and corrects the journal, signs bills, appoints committees, and performs other duties pertaining to the presiding officer of a deliberative body.

In the absence of the Speaker, a speaker *pro tem.* performs the duties of the chair.

The Chief Clerk keeps the journal and records of the House. He also has other important duties.

The Assistant Chief Clerk is the helper of the Chief Clerk in all his duties.

An Engrossing Clerk engrosses the House bills. An Enrolling Clerk enrolls them.

The Doorkeeper, with some other duties, has charge of that part of the capitol used by the representatives.

The Sergeant-at-Arms executes the commands of the House and preserves order on the floor as directed.

The Official Reporter takes a stenographic report of the House proceedings.

The Chaplain opens each session with prayer, visits



sick members, and preaches in Representative Hall when requested by a vote of the House.

## TOPICAL ANALYSIS

**Government of Missouri.**

## I. HOW CONSTITUTED.

*a.* The three branches.

## II. THE LEGISLATIVE DEPARTMENT.

*a.* House of Representatives.

*b.* Senate.

## III. HOUSE OF REPRESENTATIVES.

*a.* How composed.

*b.* Apportionment.

1. Ratio.

*a.* How obtained.

*b.* Its use.

*c.* Examples.

*c.* Members.

1. Number.

2. Term.

3. How chosen.

4. When.

5. Qualifications.

*a.*  
*b.*  
*c.*  
*d.*  
*e.*  
*f.*

*d.* Districts.

1. Examples.

*e.* Impeachment.

*f.* Officers.

1. Name.

2. Duties.



## CHAPTER XVII

### LEGISLATIVE DEPARTMENT—THE SENATE

**How Constituted**—The Senate is composed of thirty-four senators chosen by the qualified voters at the general elections.

**Apportionment**—The apportionment of senators is made at the same time as that of representatives—on the year following that of the United States decennial census, thus occurring on the years 1891, 1901, etc.

**Districts**—The apportionment is effected by dividing the State into thirty-four senatorial districts (see map). They are made as nearly equal in population as is practicable, while composing them of adjoining, undivided counties.

The right to district the State for senators belongs first to the General Assembly. If that body neglect to perform the duty, a board, consisting of the governor, the secretary of State, and the attorney-general is required to do it.

If a county be entitled to more than one senator, the circuit court divides it into districts.

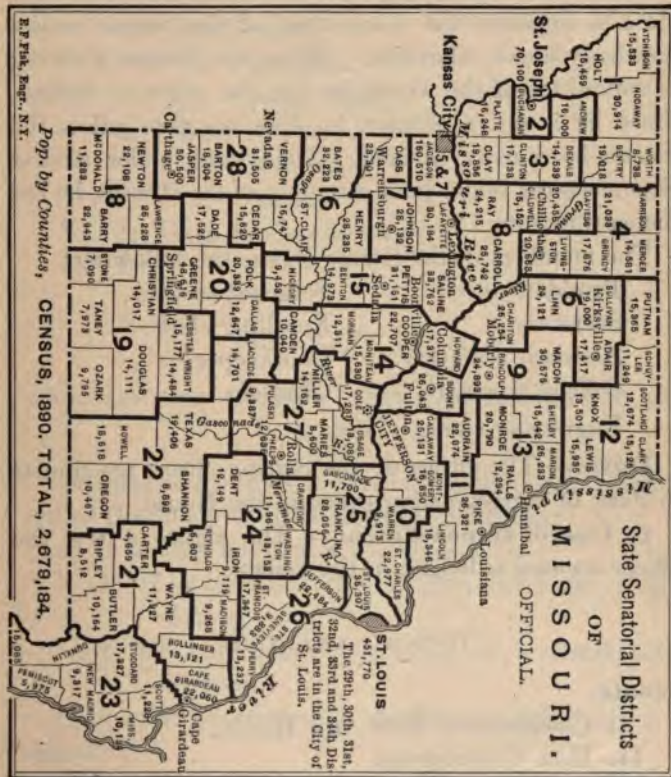
**Qualifications**—Eligibility to a seat in the Senate requires that a person be—

- a.* Thirty years of age;
- b.* A voter of the State for three years;
- c.* A male citizen of the United States;
- d.* An inhabitant of the senatorial district for one year preceding his election;
- e.* He must have paid a State and county tax within the year prior to his election;

f. Must have subscribed to the official oath;

**Classification**—The senators are divided into two classes:

1. The first class comprise those from the odd-num-



bered districts. They are elected every fourth year, beginning with 1876. These years fall on 1896, 1900, etc.

2. The second class is composed of the senators from

the even-numbered districts. They are chosen each fourth year from 1878, thus: 1898, 1902, etc.

**Officers**—The lieutenant-governor is the president of the Senate. In that capacity he performs those duties incident to the presiding officer of a deliberative body. He also appoints the committees of the Senate unless that body direct otherwise. When the Senate is sitting in committee of the whole, he has the right to debate. Since he is not a senator, he does not vote unless the Senate be equally divided. Then, and under similar circumstances in the joint assembly of the Houses, he has the casting vote.

The members of the Senate choose the following:

President <i>pro tem</i> .	Sergeant-at-arms.
Secretary.	Enrolling clerk.
Assistant secretary.	Doorkeeper.
Official reporter.	Chaplain.
Engrossing clerk.	

**Duties**—The duties of the Senate officers are similar to those of corresponding grade in the House.

**In Case of Impeachment**—The right to try the officer accused is lodged in the Senate.

#### TOPICAL ANALYSIS

##### Senate.

- I. CO-ORDINATE WITH THE HOUSE.
- II. HOW CONSTITUTED.
- III. APPORTIONMENT.
- IV. SENATORIAL DISTRICTS.
- V. SENATORS.
  - a. Number.
  - b. How chosen.



*c.* Qualifications.  $\left\{ \begin{array}{l} a. \\ b. \\ c. \\ d. \\ e. \\ f. \end{array} \right.$

*d.* Classification.

1. First class.
2. Second class.

*e.* Officers.

1. Their titles.
2. Duties.

VI. IN CASE OF IMPEACHMENT.

CHAPTER XVIII

LEGISLATIVE DEPARTMENT—PROVISIONS RELATING TO BOTH HOUSES. 1

**Disqualifications**—A person is ineligible to a seat in either House under the following conditions:

*a.* If he be a member of Congress.

*b.* (1) If he hold an office of gain under the United States;

(2) Or one under the State or a municipality thereof.

*c.* Should he engage in dueling as principal or as second.

*d.* If he has violated an oath of fealty to the State.

**The Oath**—Every senator and representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support



the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

**Vacancies**—A vacancy is caused—

1. If a member elect be disqualified as above;
2. By the removal of a member of either House from the district in which he was elected;
3. Should a member-elect refuse to take the official oath;
4. By death or resignation;
5. Conviction upon charges preferred by impeachment;
6. Expulsion.

**How Filled**—Vacancies in the membership of either House are filled at special elections called by the governor for that purpose.

**Compensation**—For each session, except revising sessions, members receive five dollars per day for the first seventy days, and one dollar per day thereafter.

The revising sessions occur on every tenth year, beginning with 1879. The statutes of Missouri are then revised by the General Assembly. For these sessions the members are paid five dollars per day for one hundred and twenty days, and thoreafter until adjournment one dollar per day.

Each member is allowed mileage fees as fixed by statute. The sum varies from five to seventy-five dollars.

Each member is paid thirty dollars at each regular session for stationery, postage, and incidentals.

**Examine Institutions**—Either House may appoint committees to examine the State institutions. They are allowed actual expenses while performing the required services. This is in addition to compensation as members.

**Choose Officers**—With the exception of the president of the Senate, who is the lieutenant-governor, both Houses choose their own officers.

#### TOPICAL ANALYSIS

#### Provisions relating to Both Houses.

##### I. AS TO MEMBERSHIP.

- |                       |   |                      |
|-----------------------|---|----------------------|
| a. Disqualifications. | { | a.<br>b.<br>c.<br>d. |
|-----------------------|---|----------------------|
- b. Vacancies.
1. How caused: 1, 2, 3, etc.
  2. How filled.
- c. Compensation.
1. Per diem.
    - a. In ordinary sessions.
    - b. Revision sessions.
  2. Mileage.
  3. Stationery, etc.
  4. On special committees.
- d. Choosing officers.

### CHAPTER XIX

#### LEGISLATIVE DEPARTMENT

#### *Provisions relating to Both Houses. 2*

**Judge of Membership**—Each House is to be the sole judge of the qualifications, election, and returns of its own members.

**Proceedings**—The rules of procedure in each House, except as provided in the Constitution, are fixed by the members thereof.

**Maintain Dignity**—To maintain its order and dignity, each House—

- a.* May punish its members;
- b.* May arrest any person for disorderly and contemptuous conduct and punish him by fine or imprisonment—one or both;
- c.* By a concurrence of two thirds, may expel a member.

**Quorum**—A quorum to do business is a majority of the members elect.

A less number may meet and adjourn from day to day, and may compel the attendance of absent members.

**Sessions**—The regular sessions of the General Assembly occur on the first Wednesday after the first day of January of the odd-numbered years.

A special session may be convened by the governor when he believes the exigencies of the public service require it.

Either House may hold secret sessions whenever its members think the people's interests will be subserved thereby.

In general, the sessions must be open to the public.

Joint sessions are held in case of contested elections where the dispute is between different claimants for the office of governor or lieutenant-governor, whenever United States senators are elected, and at other times as prescribed by law.

**Adjournments**—An adjournment of the General Assembly for three days or less will not affect the constructive continuity of the session, but an adjournment for three days requires the consent of both Houses.



If the General Assembly adjourn for more than three days, it is in effect an adjournment *sine die*.

Either House, without the consent of the other, may adjourn for two days, or less.

**Legislation**—In general legislation the Houses have equal rights and privileges.

**Journal**—Each House is required to keep and publish a journal of the proceedings.

Whenever a vote by yeas and nays is taken, it must be entered in full upon the journal.

**Elections**—All elections held by either House, or by both Houses in joint session, are *viva voce*. The roll is called, and each member announces his choice.

#### TOPICAL ANALYSIS

#### Provisions relating to Both Houses.

- I. JUDGE OF MEMBERSHIP.
- II. MAKE RULES OF PROCEDURE.
- III. MAINTAIN DIGNITY.
  - a. By punishment.
  - b. Expulsion.
- IV. QUORUM.
  - a. For business.
  - b. To compel attendance.
- V. SESSIONS.
  - a. General.
  - b. Special.
  - c. Secret.
  - d. Open.
  - e. Joint.
- VI. ADJOURNMENTS.
  - a. Three days or less.
  - b. More than three days.
  - c. For two days.



VII. AUTHORITY OVER LEGISLATION.

VIII. JOURNAL.

*a.* Keep.

*b.* Publish.

*c.* Yeas and nays entered.

IX. ELECTIONS VIVA VOCE.

## CHAPTER XX

### LEGISLATIVE DEPARTMENT

#### *Law-making*

**Laws**—All statutory laws are framed and passed by the General Assembly. Every law must have an enacting clause, thus:

“Be it enacted by the General Assembly of the State of Missouri, as follows:”

Every law must have its origin in a bill. This prevents the passage of laws in the guise of concurrent resolutions and orders.

**Bills**—In the introduction and passage of bills the action taken may be thus summarized:

**Originate Where**—Bills may originate in either House. Thus the two Houses are on an equality as to the initiative in legislation. This differs somewhat from the authority given the Houses of Congress.\*

**Concurrent Action**—Bills are subject to the action of both Houses. Either may amend or reject at pleasure.

**Three Readings**—Every bill must be read in each House on three different days.

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\* Young's Government Class-book, p. 139.

**Title**—Every bill must be limited to one subject, which must be clearly expressed in the title, thus:

“The Conveyances of real estate.”

“The Costs in civil cases,” etc.

**Reported by Committee**—Before final passage, every bill must be referred to a committee, and printed with all the amendments thereto.

**Final Vote**—When the bill comes to the final test, the vote must be by yeas and nays. A majority of all the members elected to a House is necessary to pass a bill.

**Concurrence**—There must be a concurrence of both Houses in every word of the completed bill.

**Amendments**—If it be proposed to change a law by an amendment, the latter must be woven into the text in the exact relationship in which it is to be in the amended law.

**Become Effective When**—Laws, except the general appropriation act, go into effect ninety days after the adjournment of the session of the General Assembly at which they are passed.

However, in case of an “emergency” a law may take effect immediately upon passage if two thirds in each House so order it.

**Signed**—Upon passage, bills are signed by the presiding officer of each House in open session thereof.

**Presented to Governor**—After passing both Houses according to law, a bill is presented to the governor, who takes one of the three following courses:

1. He may approve it. In that case he signs and returns it to the House in which it originated. It is now a law.

2. He may disapprove of it, and return it with his objections thereto. This is called a veto.

A vetoed bill may become a law if, upon reconsidera-

tion, two thirds of the membership of each House so order it.

3. The governor may ignore a bill presented to him. If he do so, retaining it in his possession, the Assembly in the meantime remaining in session, the bill will become a law after the lapse of ten days should the two Houses by joint resolution so direct. If the Assembly adjourn before the expiration of ten days, the governor may have thirty days in which to approve or reject a bill.

**Resolutions**—With certain exceptions, joint and concurrent resolutions of the General Assembly must receive the approval of the governor.

#### TOPICAL ANALYSIS

#### Law-making.

##### I. STATE LAWS.

- a.* Framed by General Assembly.
- b.* Must have inception by bills.

##### II. BILLS.

- a.* Originate in either house.
- b.* Subject to action of other.
- c.* Must have three readings.
- d.* Subject to be expressed in title.
- e.* Before passage—
  - 1. Must be reported by committee.
  - 2. Printed with amendments.
- f.* Final vote by yeas and nays.
  - 1. Majority required.
- g.* Concurrence in amendments.
- h.* Amendment in text.
- i.* Go into effect.
  - 1. Ninety days after passage.
  - 2. Exception.



- j.* Signed in open session.
- k.* Presented to governor.
  - 1. All bills.
  - 2. Joint and concurrent resolutions.
- l.* Attitude of governor.
  - 1. May approve.
  - 2. Disapprove.
  - 3. Ignore.

### III. RESOLUTIONS TAKE SIMILAR COURSE.

## CHAPTER XXI

### LEGISLATIVE DEPARTMENT

#### *Powers and Duties*

**General Assembly**—The General Assembly, within constitutional limits, has a comprehensive power of general legislation for the welfare of the State and the prosperity of its people. The more important powers, duties, and prohibitions enumerated by the Constitution are those which follow :

1. It possesses the legislative authority for the whole State (**36**).
2. Appropriations must be in the order prescribed by the Constitution (**78**).
3. Every tenth year the Assembly must revise the statute laws (**76**).
4. It must canvass the vote for executive officers (**94**).
5. Decide contested elections for office of governor and of lieutenant-governor (**116**).
6. Establish courts as authorized (**117**).



7. Provide for registering voters in cities and towns (167).

8. Devise methods of procedure in contested elections (171).

9. Provide for the organization and classification of cities and towns (181).

10. Establish and maintain a system of free public schools (221).

11. Enact laws for the regulation of railroad traffic (243).

12. Provide for the punishment of bank officials who receive deposits or create debts after their institutions are in an insolvent condition (258).

13. Provide for a State militia (260).

14. Prevent the sale of lottery tickets in the State (275).

15. Make provision for the township organization of counties (182).

16. Legislate for necessary taxation (200).

17. Exercise the powers of eminent domain (235).

18. Provide for amending the Constitution (280).

19. Pass all laws necessary to carry the Constitution into effect (Schedule).

### *Prohibitions*

Whenever large powers are conferred, the restrictions or prohibitions upon their exercise become important. The Constitution forbids the General Assembly to legislate as follows:

1. To divert public revenue from the treasury for unauthorized uses (78).

2. To change the prescribed order of appropriating money (78).

3. Appropriate for other uses until that order is complete (78).
4. Contract debt except as provided (79).
5. Repeal act creating State indebtedness until all is paid (79).
6. Lend the credit of the State (80).
7. To make special valuable gifts except in cases of public calamity (81).
8. To permit public corporations to loan their credit (82).
9. Increase emoluments for services rendered (83).
10. Authorize public corporations to increase emoluments for services past (83).
11. Legalize payment of claims unauthorized by law (83).
12. Subscribe for stock in corporation or association (84).
13. Release liens on railroads (85).
14. Release debts due State or corporation (86).
15. Enact certain special and local laws (88); or
16. Any special law not permitted by constitution (89).
17. Consider matters in special session not in call therefor (90).
18. Remove the State capital (91).
19. Repeal or change law by resolution (105).
20. Increase or diminish salary of judges during term for which they are elected (149).
21. Pay for unauthorized publication of supreme court reports (159).
22. Form or change counties except in manner prescribed (177, 178).
23. Surrender or suspend right to tax corporations (201).

24. Levy local taxes (209).
25. Make appropriations for sectarian purposes (231).
26. Establish corporations by special laws (233).
27. Grant benefits to corporation by special laws (234).
28. Exempt railroad property from execution and sale (247).
29. Pass laws retroactive in character (250).
30. Bestow special privileges in municipalities (251).
31. Create State bank or own bank stock (256).
32. Establish banks of issue except by popular vote (257).
33. Interfere with the primary disposal of the soil by Congress (266).
34. Tax property of the United States (266).
35. Discriminate in taxation (266).
36. Increase fees or extend terms of municipal officers after election (273).
37. Authorize lotteries.
38. Change method of amending Constitution.

#### TOPICAL ANALYSIS

##### **Legislative Powers and Duties.**

I. GENERAL POWERS.

II. SPECIFIED POWERS.

1, 2, 3, 4, etc.

##### **Prohibitions.**

I. NECESSITY FOR RESTRICTIONS.

II. FORBIDDEN POWERS.

1, 2, 3, 4, etc.



## CHAPTER XXII

## THE EXECUTIVE DEPARTMENT

**How Constituted**—The executive department of the State government consists of a governor, lieutenant-governor, secretary of State, State auditor, State treasurer, attorney-general, and superintendent of public schools.

**Comparisons**—The following comparisons between the office of President and Governor may be noted:

They are both elected by the people, and are responsible to them for their official course.

Subject to the consent of the Senate, the President appoints the chief officers of the executive branch of the national government. They are primarily responsible to him, and for cause he may remove them. The Governor's associates in the executive department of the State government are chosen by the people. They are not responsible to the Governor, but to the source of their political power, the people; and are removable through the instruments of their will, the General Assembly and the courts.

The Constitution of the United States vests the national executive power in the President.

The Constitution of Missouri places the executive powers of the State in an executive department consisting of the seven officers named above. The Governor is the supreme executive authority; notwithstanding, the functions of the other officers are distinctly executive and administrative; and, moreover, they are invested with powers independent of one another except in those



particulars wherein their duties bring them into relationship.

**Residence**—The executive officers must reside at the seat of government, and keep all public records there.

**Term of Office**—The official term is four years.

**Election**—They are elected at the general elections occurring on the years 1896, 1900, etc., the State superintendent of schools excepted. The latter is chosen each fourth year occurring as follows: 1898, 1902, etc.

**The Returns**—The election returns are sent to the secretary of State by the clerks of the several counties. They are directed to the speaker of the House. That officer, immediately after the organization of the House, opens and publishes the result in the presence of a majority of both houses in joint assembly. The person having the highest number of votes for any one of the offices named is duly elected.

**Tie Vote**—If two candidates for the same office have an equal and the highest number of votes, the General Assembly shall choose by joint vote between them.

**Qualifications**—To be eligible to the office of governor or lieutenant-governor, a person must be—

- a. A male thirty-five years of age;
- b. Must have been for ten years a United States citizen;
- c. A resident of Missouri for the seven years preceding his election.

For the five other offices, a person must be—

- a. Twenty-five years of age;
- b. A male citizen of the United States;
- c. Must have resided in the State five years next preceding the election.

All officers must take oath to support the Constitu-

tion of the United States and that of the State of Missouri.

**Disqualifications**—The governor and the State treasurer are ineligible to succeed themselves.

A person who has broken an oath of fealty to the United States or the oath taken by a member of the General Assembly is ineligible to be elected to a State office.

So is any one who has engaged in dueling as principal or second.

Or one holding an office of profit under the United States.

**Compensation**—Officers of the executive department receive the following salaries:

Governor .....	\$5000
Lieutenant-Governor.....	1000
Secretary of State .....	3000
State Auditor.....	3000
State Treasurer .....	3000
Attorney-General.....	3000
Superintendent of Public Instruction..	3000

TOPICAL ANALYSIS

**Executive Department.**

- |                    |   |    |
|--------------------|---|----|
| I. OFFICERS NAMED. | } | 1. |
|                    |   | 2. |
|                    |   | 3. |
|                    |   | 4. |
|                    |   | 5. |
|                    |   | 6. |
|                    |   | 7. |

II. GOVERNOR AND PRESIDENT.

a. Elected by people.

1. Nation.

2. State.

III. SOME DISTINCTIONS DRAWN.

*a.* As to national executive.

*b.* As to State executive.

IV. RESIDENCE OF STATE EXECUTIVE.

V. TERM OF OFFICE.

VI. ELECTION.

*a.* By whom.

*b.* When.

*c.* Where.

VII. THE RETURNS.

*a.* Transmitted to secretary of State.

*b.* Opened.

1. Time.

2. Place.

*c.* Choice declared.

*d.* Tie determined.

VIII. QUALIFICATIONS.

*a.* Age.

*b.* Sex.

*c.* Citizenship.

*d.* Residence.

*e.* Oath.

IX. DISQUALIFICATIONS.

*a.* Incumbency in office.

*b.* Disloyalty.

*c.* Dueling.

*d.* Another office.

X. COMPENSATION.

## CHAPTER XXIII

## EXECUTIVE DEPARTMENT

*Powers and Duties of Officers*

THE following are the more important duties of the chief officers of the executive department.

- The Governor.**—1. Is the chief executor of the laws.
2. He is charged with the preservation of the peace of the State.
3. Is commander-in-chief of the State militia.
4. He may call out the militia to execute the laws, suppress insurrection, and repel invasion.
5. Acting judicially, he may—
- a.* Grant reprieves and commutations;\*
  - b.* Bestow pardons except in cases of treason and impeachment.
6. If public necessity require it, he may convene the General Assembly in special session.
7. Advise that body, by message or otherwise, of the condition of State affairs, and what legislation he deems expedient for the public welfare.
8. As described elsewhere, he may veto an act of the General Assembly, or, if appropriating money, any part of it.
9. Commission officers and fill vacancies as provided by law.
10. He may require reports in writing from executive officers and from managers of State institutions.
11. With the approval of the Senate he appoints

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\* Young's Government Class-book, page 48.



many administrative officers, and the general officers of the militia.

12. Accounts to the General Assembly for funds disbursed by himself.

**Lieutenant-Governor**—1. Is the presiding officer of the Senate. His duties in that capacity are noted elsewhere.

2. In case of a vacancy in the office of governor, the lieutenant-governor succeeds to the office. If there be temporary disability of the former, the latter performs the duties of governor and receives the emoluments pertaining thereto.

**Gubernatorial Succession**—If it happen that the offices of governor and lieutenant-governor be vacant at the same time, the right of succession to the executive chair vests in the president *pro tem.* of the Senate, and after him in the speaker of the House.

**Secretary of State**—1. Has the custody of the "Great Seal of the State of Missouri."

2. Attests therewith official acts of the governor, copies of State papers, and other documents as directed by law.

3. He is the custodian of the public records and the acts of the General Assembly.

4. Keeps a record of the official acts of the governor.

5. Furnishes copies of these or of any other papers in his office to the General Assembly upon request.

6. Receives the returns of the State and the Congressional elections.

7. Procures stationery for the General Assembly.

**State Auditor**—1. Is the bookkeeper and general accountant of the State.

2. Custodian of all papers and documents relating to its monetary affairs.

3. Audits accounts against the State.
4. Draws warrants on the State treasurer in settlement thereof.
5. Keeps the account between the State and the State treasurer, and between the State and the United States.
6. Directs the prosecution of delinquents in matters relating to the collection of the revenue.
7. Makes statement to the Assembly of—
  - a. The receipts and expenditures of the revenue;
  - b. The State indebtedness;
  - c. The estimated sum needed to carry on the government for the ensuing two years;
  - d. Any other information relating to his office desired by that body.
8. Settles with collectors of the revenue.

**State Treasurer**—1. Is the custodian of the State funds.

2. Disburses money only on the warrant of the State auditor.
3. Keeps separate accounts with the several funds into which the State revenue is divided.
4. Gives to the governor a monthly statement of the condition of the treasury.
5. Publishes a quarterly report of the amount of money on hand and the places where the same is on deposit.
6. Makes biennially to the General Assembly, through a special committee thereof, a full statement of the transactions of his department.
7. In connection with the governor and the attorney-general, designates banks of deposit for the public funds.

**Attorney-General**—1. Has charge of the legal affairs of the State.

2. Is the legal adviser—

*a.* Of the State officers;

*b.* The General Assembly.

*c.* The prosecuting attorneys of the several counties.

3. Conducts all suits in which the State is an interested party.

**The Superintendent of Public Schools** has charge of the educational interests of the State.

1. Has the general supervision of the schools.

2. Apportions the State school funds and appropriations.

3. Gives attention to the execution and fulfillment of the school laws.

4. Grants State teachers' certificates.

5. Visits the schools and the teachers' institutes of the State.

6. For the advancement of education, delivers public lectures.

7. Distributes the school laws and other necessary matter to school officers and teachers.

8. Makes an annual report of the condition of the schools, with suggestions for their improvement.

**Official Bond**—The secretary of State, State auditor, State treasurer, and State superintendent of schools give bonds for the faithful discharge of their duties.

#### TOPICAL ANALYSIS

##### **Duties of Executive Officers.**

###### I. GOVERNOR.

*a.* Duties. 1, 2, 3, etc.



- II. LIEUTENANT-GOVERNOR.
  - a. Duties.
  - b. When chief executive.
- III. GUBERNATORIAL SUCCESSION.
- IV. SECRETARY OF STATE.
  - a. Duties. 1, 2, 3, etc.
- V. STATE AUDITOR.
  - a. Duties. 1, 2, 3, etc.
- VI. STATE TREASURER.
  - a. Duties. 1, 2, 3, etc.
- VII. ATTORNEY-GENERAL.
  - a. Duties. 1, 2, 3, etc.
- VIII. SUPERINTENDENT OF PUBLIC SCHOOLS.
  - a. Duties. 1, 2, 3, etc.
- IX. OFFICIAL BOND.

## CHAPTER XXIV

### EXECUTIVE DEPARTMENT—ADMINISTRATIVE

**Constitutional Executive**—The State officers thus far named form the executive department as given in the Constitution. The General Assembly has created other officers, commissions, and boards, whose duties are of an executive and administrative character.

**Railroad Commissioners**—The Board of Railroad and Warehouse Commissioners is composed of three members elected by the voters of the State. The official term is six years, one being elected biennially. Each gives bond for the faithful performance of his duty.

The board is charged with the oversight of the railway systems of the State. It sees that the laws relating to railways are observed and fulfilled.



Sitting as a board, the commissioners may hear complaints against railroad companies. In case of unjust discrimination in rates for carrying interstate freight, it is the duty of the board to file a complaint with the Interstate Commerce Commission, which the attorney-general must prosecute to final conclusion.

The board is empowered to regulate and classify charges of express companies, to classify railroad freight, inspect the tracks of the railways of the State, and establish standard grades of grain.

It must make an annual report to the governor, accompanying it with such suggestions as may seem of public interest, and importance.

**Department of Insurance**—This department sees to the faithful execution of the insurance laws. These are numerous, and require careful administration.

A superintendent of insurance is at the head of this department. He is appointed by the governor.

**War Department**—The governor, being commander-in-chief of the State militia, is at the head of this department. The officers of his staff are the following:

Adjutant-general.	Commissary-general.
Quartermaster-general.	Judge-advocate general.
Surgeon-general.	Chief of ordnance.
Paymaster-general.	Inspector-general.

Four aides-de-camp.

These officers, acting under the adjutant-general, have the active direction of the military affairs of the State.

**Bureau of Labor**—This bureau is directed by a commissioner appointed by the governor. It is charged with the collection of information relating to labor. It seeks to better the condition of working men.

**State Board of Education** — Superintendent of schools *ex officio* president.

*Ex officio* members of board, { The governor,  
Attorney-general,  
Secretary of State.

This board invests the State school fund. It also has a general supervisory power over the schools of the State. Its president is the chief educational officer of Missouri. His duties are given on page 92.

**Bureau of Geology and Mines**—This consists of a board of five members. The governor is chief of the bureau, and the remaining four members receive appointment from him.

This bureau conducts the geological survey of the State, and makes examination of the mineralogy and topography of its separate parts. The board appoints a State geologist, who is the active director of the scientific investigations of the bureau.

**Commissioners of Public Printing—**

*Ex officio* membership, { Secretary of State,  
State auditor,  
State treasurer.

This board supervises the public printing for all the departments of the State government.

**Penitentiary Inspectors—**

*Ex officio* membership, { State treasurer,  
State auditor,  
Attorney-general.

This board has various duties in connection with the penitentiary. It makes a monthly inspection of that institution.

**Inspectors**—To protect purchasers, certain officers ascertain the merchantable qualities of articles to be

placed on sale. These officers are called inspectors. There are inspectors of tobacco, of grain, and of oil.

**State Board of Health**—This is composed of seven members. It watches over the sanitary conditions of the State, and makes such recommendations as may conduce to health and the prevention of disease.

**The Board of Agriculture** devotes itself to the agricultural interests of the State that an improved husbandry may result.

**The Fish Commission** has charge of stocking the waters of the State with fish.

**The Board of Immigration** endeavors to secure the more complete settlement of the State by the introduction of suitable immigrants.

**The State Librarian** is the custodian of the State library.

**State Board of Equalization—**

<i>Ex officio</i> membership,	{	The governor,
		State auditor,
		State treasurer,
		Secretary of State,
		Attorney-general.

The valuation of property by the hundreds of local assessors is unequal. If there were no corrective for this inequality in city, county, and State, injustice would result. As it is, there are boards to equalize or make uniform the assessors' estimates of value, that they may bear evenly upon taxpayers. The larger cities and the counties of the State are provided with boards of equalization. These boards have power to increase or decrease the local assessments.

The State board of equalization adjusts and equalizes assessments among the various counties of the State.



TOPICAL ANALYSIS

**Administrative Officers and Boards.**

- I. THE CONSTITUTIONAL EXECUTIVE DEPARTMENT.
- II. CREATED BY THE GENERAL ASSEMBLY.

*a.* Board of railroad commissioners.

- 1. How constituted.
- 2. Election and term.
- 3. Powers and duties.

*b.* Department of insurance.

*c.* War department.

*d.* Bureau of labor.

*e.* State board of education.

*f.* Bureau of geology and mines.

*g.* Commissioners of public printing.

*h.* Penitentiary inspectors.

*i.* State board of health.

*j.* Board of agriculture.

*k.* Fish commission.

*l.* Board of immigration.

*m.* State board of equalization.

*n.* Inspectors.

*o.* State librarian.

1. How constituted.

2. Duties.

} Duties.

CHAPTER XXV

JUDICIAL DEPARTMENT. 1

**The Judiciary** constitutes the third co-ordinate branch of the State government. To this department is given



the interpretation of the laws and their application to cases brought before it for settlement.

The judicial power of the State is vested in the several courts:

- |                       |                                      |
|-----------------------|--------------------------------------|
| 1. The Supreme Court. | 7. County courts.                    |
| 2. Courts of appeals. | 8. Courts of municipal corporations. |
| 3. Circuit courts.    | 9. Courts of justices of the peace.  |
| 4. Criminal courts.   |                                      |
| 5. Common pleas.      |                                      |
| 6. Probate courts.    |                                      |

**Supreme Court**—This court consists of seven judges. Each serves for ten years. Prior to 1890 the court consisted of five judges, one being elected biennially. When an amendment to the Constitution increased the number of judges to seven, it directed the election of the new members to occur in 1892, and every tenth year thereafter. As the former provision was left intact, it happens that the election of three judges will occur in the years 1902, 1912, etc., and of one in every even-numbered year intervening between those dates.

**The Jurisdiction** of this court as to persons and cause is chiefly appellate (Con. 118). It hears cases appealed from lower courts. Its territorial jurisdiction is coextensive with the State. It has a superintending control over inferior courts.

The technicalities and details of jurisdiction as to cause are somewhat numerous and difficult. An understanding of their intricacies is necessary to the lawyer rather than the student of civil government.

**Terms**—The regular terms of the court are held at Jefferson City, beginning on the second Tuesday of April and of October of each year. Special terms are held as ordered by the court.

To facilitate the dispatch of business, the judges are divided into two divisions, the first division consisting of four and the second of three judges. These divisions sit apart and hear and determine cases separately. When the pressure of business will permit, the court may dispense with divisions and sit *in banc*, that is, in full court.

**The Qualifications** necessary for election to the position of judge of the Supreme Court are the following :

- a. United States citizenship.
- b. To be thirty years of age.
- c. A citizen of the State for the five years preceding election.
- d. To be learned in the law.

The judges of all courts must take the oath prescribed by the Constitution.

The judge of the Supreme Court holding the earliest commission is chief justice. If two or more hold commissions of same date, the court designates which of them shall be thus honored.

**Compensation**—The salary of each judge is four thousand five hundred dollars per year.

**Courts of Appeals**—The courts of appeals are next in authority to the Supreme Court. There are two in the State—the St. Louis Court of Appeals and the Kansas City Court of Appeals. For establishing the territorial jurisdiction of each, the State is divided into two districts (Constitution, 281. In 1893 Audrain County was added to the St. Louis district).

**Judges**—Each of these courts is organized with a bench of three judges. Of the three, he who holds the earliest license to practice law in the State is the presiding judge.

**The Official Tenure** is twelve years. One judge is elected every fourth year. The elections occur in 1896, 1900, etc.

**The Qualifications** are the same as those required for judges of the Supreme Court.

**The Terms** of the court are held semi-annually, beginning on the first Monday in March and the first Monday in October.

**Compensation**—Each judge of the St. Louis Court of Appeals receives a salary of five thousand five hundred dollars per year. The judges of the Kansas City Court of Appeals receive three thousand five hundred dollars each per year.

#### TOPICAL ANALYSIS

##### Judicial Department.

###### I. WHAT IT CONSTITUTES.

- a. Its function.
- b. How vested.  $\left\{ \begin{array}{l} 1. \\ 2. \\ 3, \text{ etc.} \end{array} \right.$

###### II. SUPREME COURT.

- a. Judges.
  - 1. Official tenure.
  - 2. How chosen.
  - 3. Qualifications.
  - 4. Compensation.
- b. Jurisdiction.
- c. Terms.
- d. Division of court.

###### III. COURTS OF APPEAL.

- a. Where situated.
- b. Their authority.



- c.* Terms.
- d.* Judges.
  - 1. Tenure.
  - 2. Qualifications.
  - 3. Compensation.

## CHAPTER XXVI

## JUDICIAL DEPARTMENT. 2

**Circuit Courts**—Subordinate to the Supreme Court and the Courts of Appeals, and next in order to the latter, come the Circuit Courts. They rank superior to municipal, county, and probate courts, and to courts of justices of the peace, and have a superintending control over them.

**Jurisdiction**—The circuit courts have an extensive jurisdiction in civil and criminal cases. They hear appeals from the inferior courts which are within their circuits.

For limiting territorial jurisdiction the State is divided into thirty circuits.

**Terms** of the circuit court are held at stated times in each county; or in the districts of the county, if it be so populous as to make districting necessary.

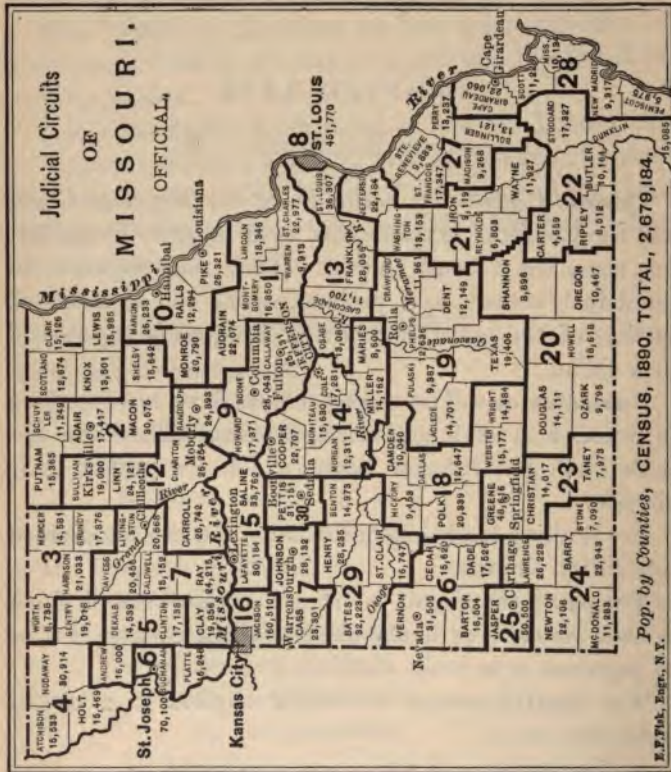
**The Qualifications** to render eligible to a circuit judgeship are—

- a.* Thirty years of age.
- b.* United States citizenship of five years.
- c.* To be a qualified voter for five years prior to election.
- d.* A resident of the circuit in which elected.
- e.* Learned in the law.



**Election and Tenure**—One or more judges are elected for each circuit. The term of office is six years. The elections occur in 1898, 1904, etc.

**Compensation**—The salary paid by the State to cir-



cuit judges is two thousand dollars per year and their necessary expenses in attending court elsewhere than at the place of their residence. In Buchanan and Jackson counties they are allowed one thousand dollars additional

by those counties. In St. Louis the city makes the salary five thousand five hundred dollars. In Pettis County fees to the amount of twelve hundred dollars per year extra are allowed, if the fees charged for filing cases amount to that sum.

**Probate Courts**—A probate court is established in every county.

**Judge**—The probate judge is elected by the voters of the county for four years. These elections occur in 1898, 1902, etc.

**Jurisdiction**—This court has charge of the probate business of the county; a general oversight of the settlement of the estates of deceased persons; the management of the estates and property of persons of unsound mind, and the supervisory care of apprentices.

**For Compensation** the judge is allowed such fees as are established by law.

He may act as his own clerk. In that case he receives additional compensation.

**Criminal Courts**—Criminal courts may be established in counties having a population exceeding fifty thousand (Con. 147). The following criminal courts have been created by the General Assembly:

**Fifteenth Judicial Circuit** and the County of Johnson Criminal Court was organized for the relief of the circuit court. The judge who presides over it must possess the qualifications necessary for circuit judge. He is elected at the same time as the circuit judge, and serves for a term of corresponding length.

The authority of the court in criminal cases is the same as that of the circuit court.

**Jackson County**—The Criminal Court of Jackson County has an exclusive jurisdiction over criminal cases.

having origin in the county, or brought there on change of venue.

The judge is chosen for six years at the elections occurring 1898, 1904, etc.

The terms of the court are held alternately at Kansas City and Independence.

**Buchanan County**—The Criminal Court of Buchanan County has full authority in all criminal prosecutions arising in the county or certified there on change of venue, and over all cases appealed from municipal courts for violations of the ordinances of any city or town in the county.

The judge is elected from the county. He must have same qualifications as a circuit judge. The term of office is four years, elections occurring in 1896, 1900, etc. Terms of the court are held in St. Joseph.

**The Criminal Court of Greene County** has authority over criminal cases in the county, and of those transferred by change of venue from other counties, and over cases appealed from the municipal courts of the county.

To be eligible to the judgeship requires residence in Greene County and the qualifications required for circuit judge. The term of service is four years. The elections occur in 1896, 1900, etc.

Three terms of the court are held in Springfield annually.

**The St. Louis Court of Criminal Corrections** merged into the circuit court on the first day of January, 1897.

**Courts of Common Pleas**—There are four courts in the State called courts of common pleas. The name thus used does not have its ancient significance. Formerly this name was given to courts for the administration of the common law. In Missouri the jurisdiction



of these courts is clearly defined and limited by statute. As to "cause," it may be said in a general way that their authority is nearly the same as the circuit courts; to note the difference not being necessary for the purposes of this work.

These courts have limited territorial jurisdiction. All were established under the Constitution of 1820.

**The Louisiana Court of Common Pleas** is presided over by the judge of the circuit in which Louisiana is situated. Its sessions are held in the city named twice a year. It was established in 1853.

**The Hannibal Court of Common Pleas** holds three sessions per year in the city of Hannibal. The circuit judge is *ex officio* judge of this court. The expenses of the court are paid by the county of Marion. It was established in 1845.

**The Sturgeon Court of Common Pleas** is established at the city of Sturgeon, in Boone County. The judge of the circuit presides over this court. Two terms of the court are held annually in the city named. The court was created by the laws of General Assembly in 1859.

**The Cape Girardeau Court of Common Pleas** is the only court distinguished by the term common pleas having a judge chosen expressly for it. He is elected every fourth year by the voters of Cape Girardeau County. His qualifications must be the same as those required for circuit judge.

Three terms of this court are held at Cape Girardeau each year.

**Courts of Record**—Courts are known as courts *of record* and courts *not of record*, the former being clothed with greater power and dignity than the latter.



According to the old distinction, a court of record is one in which the "acts and judicial proceedings are enrolled in parchment for a perpetual memorial and testimony." This is called the record, and it is "of such high and supereminent authority" that its truth "is not to be called in question." That is, there is always a presumption that it speaks the truth. This court is one that is dignified with a seal. In the United States courts *not of record* are such as (though keeping a record) are inferior tribunals, without clerks (generally) or seal, whose proceedings are not formally recorded. There is not therefore the same presumption in favor of the truthfulness of their records as in case of superior courts. The statutes of Missouri designate the supreme court, courts of appeal, circuit courts, county courts, courts of common pleas, and probate courts as courts of record. Courts of justices of the peace are generally considered as being *not of record*.

#### TOPICAL ANALYSIS

#### Judicial Department.

##### I. CIRCUIT COURTS.

- a.* Their rank in State judiciary.
- b.* Their jurisdiction.
- c.* Judges.
  - 1. Qualifications.
  - 2. Election and tenure.
  - 3. Compensation.
- d.* Terms of court.

##### II. PROBATE COURTS.

- a.* Jurisdiction.
- b.* Judges.

1. How chosen.
2. Compensation.

## III. CRIMINAL COURTS.

- a.* Fifteenth Judicial Circuit,
- b.* Jackson County.
- c.* Buchanan County.
- d.* Greene County.
  1. Jurisdiction of each.
  2. Judges.
    - a.* Election.
    - b.* Tenure of office.

## IV. COURTS OF COMMON PLEAS.

- a.* Jurisdiction.
- b.* Louisiana court.
- c.* Hannibal court.
- d.* Sturgeon court.
- e.* Cape Girardeau court.
  1. Judges.
    - a.* Qualifications.
    - b.* Tenure.

## V. COURTS OF RECORD.

## CHAPTER XXVII

## STATE INSTITUTIONS

*Educational*

**University**—The University of the State of Missouri is an assemblage of colleges established for instructing students in the various branches of learning. It was opened for students in April, 1841.

This institution affords further evidence of the munificent provisions of the State for the education of its

youth. Groups of magnificent buildings adorn the site of the University. They are fully equipped with modern furnishings and improved apparatus. This has been effected through the excellent judgment of the governing body, supplemented by the generous appropriations of the General Assembly.

The University is under the control of a board of curators, composed of nine members. They are appointed by the governor, subject to confirmation by the Senate. Their term of service is six years, three being chosen biennially. Not more than five are to be taken from one political party.

The professorships of the several departments are filled by persons of wide reputation for their learning and ability.

The State Agricultural College is a department of the University. The School of Mines and Metallurgy is the only department of the University not situated at Columbia, this being at Rolla, in Phelps County.

**State Normal Schools**—The State has established normal schools for the education and training of teachers for the public schools. These are supplied with large and elegant buildings and fine equipments. They are supported by State appropriations.

**Kirksville**—The First District Normal School is at Kirksville, Adair County.

**Warrensburg**—The school at Warrensburg, Johnston County, is known as the Second District Normal School.

**Cape Girardeau**—The one situated at Cape Girardeau, in the county of the same name, is the Third District Normal School.

**Lincoln Institute**, at Jefferson City, is the Normal School for training the colored teachers of the State.



**Regents**—Each of the above normal schools is managed and controlled by a board of regents consisting of seven members. Of these, six are appointed by the governor, two biennially. The seventh is the State superintendent, who is *ex officio* member of each board. The several boards are clothed with ample authority to direct and govern, in the interests of sound education, the institutions intrusted to them.

**A Normal Department** in the State University is also of great value to the teachers of the State. It is well conducted, and is performing its part towards the advancement of the doctrines of modern pedagogy.

#### *Eleemosynary Institutions*

**Managerial Boards**—The laws of the General Assembly classify seven of the State institutions as eleemosynary. Each is controlled by a board of managers composed of five members, appointed by the governor. The term of office is four years.

**Asylums**—There are three asylums for the insane. They are named and situated as follows:

**Asylum No. 1**, at Fulton.

**Asylum No. 2**, at St. Joseph.

**Asylum No. 3**, at Nevada.

These institutions are very skillfully managed by specialists in diseases of the mind.

**The School** for the Deaf and Dumb is at Fulton. It is for the residents of the State.

Deaf and dumb persons who are between the ages of eight and twenty-one years, and of sound mind, are instructed in written and sign language, and the elementary English branches. They are also taught mechanical trades and industrial pursuits.



**School for the Blind**—This school is in St. Louis. It is established for the aid and instruction of blind persons, between the ages of nine and twenty-five years, who are inhabitants of this State. Their training includes the subjects of school instruction and various employments for earning a livelihood.

**The Reform School** for boys is at Boonville.

The object of the school is to provide a home for boys who have none, reform those who have acquired vicious habits, restrain those who are incorrigible, and educate all committed to its care into worthy citizenship.

In the discretion of the presiding judge, boys between the ages of sixteen and eighteen, convicted of felony, may be committed to the Reform School instead of the penitentiary.

If a boy between the ages of eight and sixteen commit an act punishable by fine or by imprisonment in the county jail, the judge may send him to the Reform School; if he be convicted of a penitentiary offense, the judge is required to send him there.

**The Industrial Home** for girls is established at Chillicothe.

This home is provided for the reformation of girls of a wayward or vicious tendency. Any girl between the age of seven and twenty, convicted of an offense punishable by less than life imprisonment, may be committed to the home. Her expenses there are borne by the county from which she is sent.

#### *Penal and Corrective*

**The State Penitentiary** is at Jefferson City. This is for the confinement, reformation, and punishment of criminals guilty of grave offenses. Persons thus impris-

oned are called convicts. They are rigorously restrained in close confinement, and are employed at hard labor.

The labor of the convicts is leased to contractors, who have workshops and factories within the penitentiary walls.

**The Warden** of the Penitentiary has the general management and control of the institution. This officer—

1. Directs the subordinate officers and employés;
  2. Controls the convicts in every particular;
  3. Lets the contracts for their labors;
  4. Is custodian of the prison and all its belongings, and is responsible for its financial management;
  5. Must make monthly report to the State treasurer.
- The penitentiary inspectors are referred to on page 95.

#### TOPICAL ANALYSIS

#### State Institutions.

##### I. EDUCATIONAL.

##### *a.* The University.

1. Its object.
2. Facilities therefor.
3. Curators.
  - a.* Number.
  - b.* Appointment.
  - c.* Political party.

##### *b.* State Normal Schools.

1. Purpose.
2. Facilities.
3. Their support.

4. Name and situation.
 

{	1.
	2.
	3.
	4.

5. Regents.

a. Organization.

b. Duties.

c. Normal Department University.

II. ELEMOSYNARY.

a. Managerial boards.

b. Insane asylums.  $\left\{ \begin{array}{l} 1. \\ 2. \\ 3. \end{array} \right.$

c. School for the deaf and dumb.

d. School for the blind.

e. Reform school for boys.

f. Industrial home for girls.

1. Object and organization of each.

III. CORRECTIVE.

a. Penitentiary.

1. Purpose.

2. Convicts.

a. How managed.

b. Their labor.

3. Warden.

a. Duties.

CHAPTER XXVIII

BILL OF RIGHTS. 1

**Basal Principles**—That part of the Constitution of Missouri known as the *Bill of Rights* is a declaration by the people, the sovereign authority of the State, of certain fundamental and inalienable rights, whose violation by the administrative powers of the government is



forbidden. It includes those rights of personal liberty and security which lie at the base of our governmental system.

**Historical**—The history of the so-called *Bill of Rights* is largely the history of the Anglo-Saxon race. The spirit underlying the declarations therein contained is the distinguishing characteristic of this race. Generations before the Saxons made England their home, each individual of their separate tribes was a freeman; his tent or hovel was his castle. He made or deposed his chief. If that personage exercised the special prerogatives of chieftainship, it was by the willing assent of the subject. Later, when the struggle between "prerogative and privilege" disturbed that island home, the subject patiently endured the oppressions of his king, not because he had given up his birthright, or had degenerated into a slave, but because he possessed the patience that characterizes a man who is conscious of his strength, and is ready to display it when endurance ceases to be a virtue.

Thus we find the English lords wresting from King John the Great Charter; then, after a long interval, when the power of the lords had been diminished by wars among themselves, and the great middle classes had developed into an intelligent and vigorous people, King Charles the First assented to the *Petition of Rights* and the *Habeas Corpus Act*, and other acts confirmatory of the *Petition of Rights*. Then followed the *Bill of Rights* of 1688, when the struggle between prerogative and privilege practically ended with the declaration, that the people are supreme.

The rights declared and secured by these various acts may be said to consist of "the right of personal se-



curity, the right of personal liberty, and the right of private property.”

**The Declaration of Independence**—The above brief historical allusion would not be complete without mention of this important political document. It is simply another emphatic declaration of the inalienable rights of the people, and a protest against the encroachments of “prerogative.” The *Bill of Rights* in the American constitutions is but the logical conclusion of the whole history of the race.

**Affirmations**—The Constitution affirms the following:

**The Origin of Political Power**—*a.* The people is the source of political power.

*b.* Government is founded upon the common will, and instituted for the common good.

“Governments are instituted among men, deriving their just powers from the consent of the governed.”

—*Declaration of Independence.*

Without government the welfare of all could not be secured. It is government which establishes justice and secures domestic tranquillity.

**Right of Self-government**—So long as they act in harmony with the provisions of the United States Constitution, the people of Missouri retain the right of fashioning the local government and changing the Constitution as their safety and happiness may demand.

**Not to be Impaired**—It is declared that Missouri will never consent to impair the right of self-government now possessed by her people.

**Natural Personal Rights**—All men are entitled by nature—

- a. To life,
- b. Liberty,
- c. The accumulation and enjoyment of property.

If government does not make these rights secure, it fails of its purpose.

“That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.”—*Declaration of Independence*.

**Liberty of Conscience**—All men have a right of absolute freedom in religious belief.

**Freedom of Assembly**—The people have the right—

- a. To assemble for their common good;
- b. To apply to the government for redress of grievances by petition or remonstrance.

“It is the right of the subject to petition the king, and all commitments and prosecutions for such petitionings are illegal.

—*English Bill of Rights, 1689*.

**Rights Retained**—The enumeration of rights in the Constitution does not deprive the people of others retained by them.

#### TOPICAL ANALYSIS

#### **Bill of Rights. 1.**

##### I. FUNDAMENTAL RIGHTS.

- a. Personal liberty.
- b. Personal security.

##### II. HISTORICAL.

##### III. AFFIRMATIONS OF CONSTITUTION.

- a. Political power (3).
  - 1. Its source.
  - 2. Its object.
- b. Self-government (4).
  - 1. Invested in people.

- c.* Not to be abridged (5).
- d.* Personal rights (6).
  - 1. Life.
  - 2. Liberty.
  - 3. Pursuit of happiness.
- e.* Liberty of conscience (7).
- f.* Freedom of assembly (31).
  - 1. For common good.
  - 2. For petition.
- g.* Rights retained (34).

## CHAPTER XXIX

## BILL OF RIGHTS. 2

*Guarantees***Religious Freedom—**

- a.* All men shall be free to choose their religion.
- b.* They shall not be compelled to support any form of religion, or contribute to its ministers.
- c.* There shall be no State church.
- d.* No religious test shall be required—
  - 1. For public office;
  - 2. To serve as juror;
  - 3. To testify before a judicial tribunal.

On the other hand, these guarantees shall not be construed to give any warrant for immoral practices.

**Free and Open Elections—***a.* All elections shall be free and open.

*b.* The right to vote shall be unrestrained.

**Courts Open to All—**That right and justice may be secured without sale, denial, or delay, there shall be free access to the courts for every person.



This provision means that the courts shall be open impartially to all persons for the adjustment of such wrongs as the laws recognize.

"We will sell to no man, we will not deny to any man, either justice or right."—*Magna Charta*.

**Search and Seizure**—*a.* The people shall be secure in their persons, papers, homes, and effects.

*b.* Shall be exempt from unreasonable search and seizure.\*

*c.* Warrants to search or seize either persons or property must describe them by oath or affirmation.

**Freedom of Speech**—Every person may freely speak, write, or publish what he will, being responsible for the abuse of this liberty.

**Right to Bear Arms**—Every person may keep and bear arms in defense of home, person, and property, or in aid of the civil power.

In Missouri no one is allowed at any time to carry weapons concealed upon or about his person, nor to carry a deadly weapon, concealed or otherwise, into any assemblage of persons met for lawful purposes. This does not apply to persons assembled under the militia laws of the State, nor to officers in the discharge of their duties.

It is unlawful for a person under the influence of intoxicating drinks to carry a deadly weapon under any circumstances.

The sale, loan, or barter of a weapon to a minor, if without consent of parent or guardian, is forbidden.

**Rights of Persons Accused**—The corruption of courts and the subversion of justice have caused many

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\* Young's Government Class book, page 195.



of the contentions and conflicts among men. The Constitution of Missouri guarantees that—

*a.* A person accused of crime shall have a speedy and public trial;

*b.* Shall have an impartial jury of the county in which the offense was committed;

*c.* Shall have the right to appear and defend in person and by counsel;

*d.* To demand the nature and cause of the accusation made;

*e.* To confront the witnesses against him;

*f.* To have compulsory process for witnesses in his behalf;

*g.* He shall not be compelled to testify against himself;

*h.* Shall not be twice jeopardized for the same offense;

*i.* Shall be admitted to bail except for capital offenses.

**Military Power**—The military shall be subordinate to the civil power.

**Every Man's House His Castle**—In time of peace troops shall not be quartered in any house without the owner's consent, nor in war, except in the manner prescribed by law.

**Trial by Jury**—The right of trial by jury shall remain inviolate.

#### TOPICAL ANALYSIS

#### Bill of Rights. 2.

##### I. CONSTITUTIONAL GUARANTEES.

*a.* To religious freedom (7, 8).

1. The points assured. *a, b*, etc.

*b.* Free and open elections (11).

*c.* Courts free of access to all (12).

1. What is assured.

2. Magna Charta.

- d.* Search and seizures (13).
  - 1. Assurances made.
- e.* Freedom of speech (16).
- f.* Right to bear arms (19).
  - 1. Concealed weapons.
  - 2. Sale to minor.
- g.* Rights of the accused (14, 24, 25, 26).
  - 1. Assurances. *a, b, c, etc.*
- h.* Military and civil power (29).
- i.* The right of domicile (29).
- j.* Trial by jury (30).

## CHAPTER XXX

## BILL OF RIGHTS. 3

*Prohibitions*

**A State Church**—The State shall not give aid or preference to any church.

**Special Religious Corporations**—There shall be no religious corporation created except by general law, and then only to hold land for church purposes.

**Interference with Voting**—No power, civil or military, shall interfere with the right to vote.

**Unwarranted Search**—A search-warrant shall not issue without probable cause.

**Illegal Prosecutions**—There shall be no prosecution for felony \* except upon an indictment.

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\* Felony, a crime punishable by death or by imprisonment in the penitentiary.

Misdemeanors\* shall be prosecuted by information or indictment.

An information is effected by any person having knowledge of the offense filing an affidavit with the prosecuting attorney or clerk of the court having jurisdiction in the case. The prosecuting attorney must then file an information. This brings the case before the proper court.

For an explanation of *indictment*, see Young's Government Class Book, page 87.

**Treason**—Treason consists:

- a.* In levying war against the State.
- b.* Adhering to its enemies, giving them aid and comfort.

There can be no conviction of treason except upon the concurrent testimony of two witnesses to the same treasonable act, or upon confession in open court.

There shall be no attaind of blood or forfeiture of property for treason.

In the early history of the English people bills of attainder were very frequent for treason (or other felony), by which the blood of the person attainted was held to be so corrupted as to extinguish all political and civil rights.

**Forbidden Laws**—*a.* Those known as *ex post facto* or retroactive. *b.* Those granting perpetual privileges or immunities.

**Imprisonment for Debt**—There shall be no imprisonment for debt. Fines and penalties, for the non-payment of which persons may be imprisoned, are not held to be *debts* within the meaning of this prohibition.

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\* Misdemeanor, an offense less than a felony.



**Rights of Property**—*a.* Private property shall not be taken for private use without the consent of the owner, unless there be urgent necessity for the same,—as where the owner of land has no access to the public highway except across the land of his neighbor, or where it is sought to reclaim marsh land by means of a drain or ditch across the land of the adjoining owner.

*b.* Private property shall not be taken or damaged for public use without just compensation. The convenience and necessities of the public are of first importance. So if individual rights and public rights antagonize, the former must yield. If a public highway is needed, the authorities may take the land of private citizens for that purpose, by allowing the owners thereof just compensation, to be fixed according to law.

**Excessive Bail, etc.**\*—*a.* Excessive bail shall not be required.

*b.* Nor shall excessive fines be imposed.

*c.* Cruel and unusual punishments shall not be inflicted.

**Habeas Corpus**\*—The privilege of the writ of *habeas corpus* shall never be suspended. The following is the practice connected with recourse to the writ in Missouri:

Any person committed, detained, confined, or restrained of his liberty upon any charge or pretense may prosecute in a court of record a writ of *habeas corpus* to inquire into the cause of such confinement or restraint.

If there be reason for granting the writ, the judge should issue it without delay. It is directed to the person who holds in detention the party seeking relief. The person to whom it is addressed must obey it accord-

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\* Young, p. 197.

ing to its exigency. Obedience implies the production of the party under detention before the court. Sometimes the exigency may demand that the one detained be produced forthwith, and the writ will so direct.

At the time set for hearing the case the court inquires into the cause of detention and sets the person free, admits him to bail, or remands him to custody, as justice may require.

**Inherent Rights**—No person shall be deprived of life, liberty, or property without due process of law.\*

**Slavery**—There shall be no slavery or involuntary servitude in this State, except as a punishment for crime.

#### TOPICAL ANALYSIS

#### Bill of Rights. 3.

##### I. CONSTITUTIONAL PROHIBITIONS.

- a. An established church (9).
- b. Special religious corporations (10).
- c. Interference with right of suffrage (11).
- d. Search without cause (13).
- e. Illegal prosecutions (14).
  1. Without indictment, or,
  2. Information.
- f. Treason—what constitutes (15).
  1. Actual warfare.
  2. Assisting enemies.
  3. Conviction.
  4. Attaint.
- g. Certain legislation (17).
  1. *Ex post facto*.
  2. Grants in perpetuity.

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\* Young, p. 14.

- h. Imprisonment for debt (18).
- i. To take private property—
  1. For private use (22);
  2. For public use (23).
- j. The exaction or infliction of (27)—
  1. Excessive bail, or,
  2. Fines.
  3. Unreasonable punishment.
- k. The suspension of *habeas corpus* (28).
- l. Deprivation of inherent rights (32).
- m. Slavery (33).

## CHAPTER XXXI

## ELECTIONS

**Time**—The general elections are held biennially, on the Tuesday following the first Monday in November of the even-numbered years.

**The Voter's Occasion**—By means of the right of suffrage, an election furnishes the occasion for voters to express their will upon public measures. This is the way the people govern. To express their will wisely, voters should understand the public institutions of the country, their origin and history, and the governmental methods which have been established.

**Voter's Duty**—Americans who love their country and wish it well, must take part in its elections. They must exercise the right of suffrage for the public welfare—for the good of the government which protects them.



**Voter's Qualifications**—A person offering to vote must be—

- a.* A male citizen of the United States; or,
- b.* If of foreign birth, must have declared his intention to become a citizen not less than one year nor more than five years prior to the election.
- c.* Must be twenty-one years of age;
- d.* A resident of the State for one year; and,
- e.* Of the county, city, or town for the sixty days preceding the election.

**Residence**—A man's residence is the permanent place of his abode, his home. A temporary absence, without the intention of changing the place of abode, will not change the place of residence.

**Disqualified as Voters**—*a.* Officers, soldiers, or marines in the army or navy of the United States.

*b.* Inmates of poor-houses or asylums, if kept at the public expense.

*c.* Persons confined in public prisons.

*d.* Persons convicted of offenses against the right of suffrage, or of felony or infamous crime.

A pardon in these cases restores the right to vote; yet a second conviction forever excludes from that right.

**Suffrage**—The right to vote is not implied from citizenship. Nor is it a natural or vested right. It is granted or withheld by the State, which prescribes the qualifications of its voters.

**Exemption from Arrest**—Except for treason, felony, or breach of the peace, voters are privileged from arrest during their attendance at elections, and while going to or returning therefrom.

**General Elections**—The following outlines the plan for conducting the general elections in Missouri:

**Judges and Clerks**—Four judges of election for each voting district or precinct are appointed by the county court. These judges of election appoint four clerks to assist them.

**By Ballot**—Elections are by ballot. Each ballot is numbered in the order in which it is received from the voter, and the number thus written is entered also in the poll-books by the clerks in connection with the name of the person presenting the ballot.

**Ballot-boxes**—Two ballot-boxes are provided by the sheriff of each county for every voting precinct therein.

**The Judges** of election receive the ballot from the voter, and the clerks enter his name in the poll-book. The ballot is then given a number corresponding with the voter's number in the poll-book, and deposited in one of the ballot-boxes.

Under the direction of the judges, the clerks keep record as the voting proceeds. The judges decide in case of challenge as to the right of the challenged to vote. They also count the votes and makes returns to the county clerk according to law.

**Disclosing Vote**—Except as a witness in judicial proceedings, it is unlawful for any judge or clerk of election to disclose for what person or persons a voter's ballot has been cast.

**Polls**—The voting places must be open at seven o'clock in the morning and continue open until six o'clock in the evening; or until sunset, if that occur later than six o'clock.

#### TOPICAL ANALYSIS

##### **Elections.**

- I. TIME OF OCCURRENCE.
- II. THE VOTER'S OCCASION.

- III. THE VOTER'S DUTY.
- IV. VOTER'S QUALIFICATIONS.
  - a, b, c, etc.*
- V. RESIDENCE.
  - a. Permanent.*
  - b. Temporary.*
- VI. PERSONS DISQUALIFIED.
  - a, b, c, etc.*
- VII. THE RIGHT OF SUFFRAGE.
  - a. By what authority conferred.*
- VIII. EXEMPTION FROM ARREST.
  - a. In attendance.*
  - b. While on the way.*
- IX. GENERAL ELECTIONS.
  - a. Judges and clerks.*
  - b. The ballots.*
    - 1. Received.
    - 2. Numbered.
    - 3. Recorded.
    - 4. Deposited.
    - 5. Counted.
    - 6. Returns made.
  - c. Disclosing vote.*
  - d. Polls open.*

## CHAPTER XXXII

### THE AUSTRALIAN BALLOT

**Preliminary**—The adoption of the modified Australian ballot in the elective system of the State has proven a valuable aid to free and independent voting. In con-



junction with the law limiting the expenses of candidates for office, and requiring them to keep strict account of money expended for election purposes, an advance has been made towards making the elections the exponents of the people's will.

**Nomination of Candidates** — Candidates may be nominated in three ways:

- a.* By a delegate convention.
- b.* A primary election by the qualified voters of a party.
- c.* A petition of qualified electors.

**By Convention**—1. The city or county central committee of a party calls a delegate convention to nominate certain officers. The call specifies the number of delegates to which each precinct is entitled.

2. The voters of that party in the several precincts assemble in open meeting at the time appointed, and choose delegates to represent them at the convention.

3. The delegates thus chosen meet in convention to nominate candidates for municipal or county offices, as the case may be.

If the call be for a State convention, the counties are requested to send delegates. In this case the delegates sent up by the precincts to the county convention simply choose a set of delegates to represent the county in the State convention. The latter chooses the candidates for State offices, or performs such other duties as may be specified in the call.

**Primary Elections**—These are held by the members of a political party.

1. The voters must belong to the party holding the election.
2. It is held somewhat in the same manner as the

stated election. There are judges and clerks of election, ballot-boxes, poll-books, tally-sheets, etc. Challenges as to party fealty may be made.

3. The election determines who shall be the party candidates.

4. The persons thus chosen are simply candidates whose names are submitted to the voters at the following general election.

**By Petition**—When candidates are placed in nomination by petition of electors, the process may be thus outlined:

1. The person wanted is petitioned to become a candidate for the office specified.

2. Qualified voters of the city, county, or State, depending on the nature of the office to be filled, sign the petition.

3. The general rule is that the number signing the petition must equal one per cent of the registration, or of the vote, at the last election; yet there must not be less than fifty signers, nor need there be more than one thousand.

4. If there be compliance with the above conditions the candidate must be put on the official ballot.

**Official Ballots**—All candidates nominated by the given methods are entitled to places on the official ballot. The various party candidates are appropriately grouped.

If a voter wish to change his party candidate for that of another on the ballot, he can erase the printed name and write his choice on the line below.

**Ballots Provided**—In each county the clerk of the county court provides the election districts with the official ballot in quantities of one hundred for every fifty

votes or fraction thereof. One half is delivered to the judges of election, and the remainder, in a sealed package, to the constable of the election district for the use of the judges, if there be need of them.

**Voting Booths**—In each polling-place booths or compartments so constructed as to secure privacy are provided for the use of voters. The number of booths must be one for each hundred voters at the last election. A railed inclosure is erected at a distance of five feet or more from the booths in such manner as to exclude all persons not engaged in voting. A booth must not be occupied by more than one voter at a time, nor by him for a time exceeding five minutes.

Each booth is provided with a writing-shelf and lead-pencils.

**Voting**—Each voter receives from the judges one ballot. On the back of this the two judges who have charge of the ballots must write their names or initials with ink or indelible pencil.

The voter then retires to one of the booths and prepares his ballot. By pencil-marks he strikes out those tickets he does not wish to vote, leaving his own party ticket. In this he makes such changes as he desires. He then folds the ballot so as to hide the face and yet leave the names (or initials) of the judges in sight.

The voter then hands his ballot to the judges, who number it in the order in which it is received, and, after the clerks have made entry of the voter's name and the number of the ballot, deposit it in the ballot-box.

**Taking Away Ballot**—No one may take a ballot outside the inclosure where the judges sit. If a voter, having received a ballot, wishes to retire without voting, before doing so he must return the ballot to the judges.



**Spoiled Ballot**—If a voter has spoiled his ballot, he may return it to the judges and receive another one for it.

**Assistance in Voting**—Should the voter be unable to prepare his own ballot, the judges may do so for him if he first file an affidavit setting forth the facts.

**Exceptions**—The Australian ballot form of voting is not required in the following:

*a.* The elections held in villages, townships, and cities of the fourth class.

*b.* Elections for various purposes under the school laws of the State.

*c.* The election of road overseers.

*d.* City elections in those cities of less than three thousand population organized under special law.

#### TOPICAL ANALYSIS

#### The Australian Ballot.

##### I. PRELIMINARY.

##### II. NOMINATION OF CANDIDATES.

*a.* Three methods.  $\left\{ \begin{array}{l} a. \\ b. \\ c. \end{array} \right.$

*b.* Give in detail—

1. Method of convention;
2. Of primary election;
3. Of nominating by petition.

##### III. THE OFFICIAL BALLOT.

*a.* Who entitled to place thereon.

*b.* How voter may change.

*c.* Duty of clerk to provide.

1. In what quantity.
2. The reserve portion.

## IV. VOTING BOOTHS.

- a.* How constructed.
- b.* Number.
- c.* With what provided.
- d.* The inclosure.
- e.* Voters in each booth.
- f.* Time limit.

## V. VOTING.

- a.* Reception of ballot.
  1. Signature of judges.
  2. Preparation by voter.
  3. Manner of folding.
  4. Given to judges.
  5. Numbered and recorded.
  6. Deposited.
- b.* Taking away ballot.
- c.* Spoiled ballot.
- d.* Judges may assist when.

## VI. AUSTRALIAN BALLOT NOT USED.

- a.* Occasions.  $\left\{ \begin{array}{l} a. \\ b. \\ c. \\ d. \\ e. \end{array} \right.$

## CHAPTER XXXIII

## TAXATION AND THE REVENUE

**Expense of Government**—To carry on the government involves a necessary cost. The persons engaged in its business must be paid for their services. Buildings

must be erected and kept in repair. Blank-books, printed matter relating to a variety of subjects, and a thousand articles of greater or less value must be provided.

Highways and bridges must be built and kept in order. Schoolhouses are to be provided and equipped, teachers to be paid, and prisons to be maintained.

In city or town a fire and a police department must be sustained. Indeed, an enumeration of the endless succession of the items and expense incident to carrying on the government is impossible.

**How Provided**—The money for this large outlay is provided by requiring every person to contribute according to his wealth. The amount thus paid by each is called his tax.

The officers of the government, being the authorized agents of the people, assess and collect taxes for governmental uses. These taxes are collected for the expenses of State, county, township, school-district, and other administrative areas.

**The Revenue**—The State income is called its revenue. It is derived principally from taxation. The term "revenue" is also applied to the income of city, county, or other taxation unit.

**Taxation** by the State is direct. It is an exaction of money from the individual for the service of the State. A direct tax is a per cent levy upon the assessed valuation of property. A special road-tax called a poll-tax is levied on persons. This is a limited personal tax, being levied on able-bodied male persons between the ages of twenty-one and fifty years.

The trend of struggle and contention to purge taxation from injustice has been in the direction of self-taxation, the community deciding what the individual



member shall pay for the public good. In our country this is effected through the people's representatives, their public servants.

**Assessment**—As explained in another place, the assessors make a complete list of all property subject to taxation in their districts, carefully estimating the value of each item separately. To effect this, they may require each person to list his own property and take oath that the list is true.

**Equalization**—The various boards of equalization heretofore noticed examine and pass upon the lists made by the assessors. They may increase or reduce the values therein expressed as may seem just and necessary to equalize the burdens of taxation.

Persons aggrieved by the assessors apply to the boards of equalization for relief.

#### TOPICAL ANALYSIS

#### **Taxation and the Revenue.**

##### I. GOVERNMENT AN EXPENSE.

- a.* For salaries of officers and employés.
- b.* For erection of buildings.
- c.* To build highways and bridges.
- d.* Provide schoolhouses and teachers.
- e.* Maintain prisons.
- f.* Keep fire and police departments.
- g.* Supply many other requisites.

##### II. HOW PROVIDED.

- a.* Persons pay according to wealth.
- b.* Amount paid a tax.
- c.* Tax collected by officers.

##### III. THE REVENUE.

- a.* Income of taxation area.

IV. TAXATION.

- a.* Direct.
- b.* Special road tax.
- c.* Amount levied.
  - 1. By whom determined.

V. ASSESSMENT.

- a.* Made by assessors.
  - 1. Individuals to assist.
  - 2. To attest list.

VI. EQUALIZATION.

- a.* Lists examined.
  - 1. Changed to render uniform.
- b.* Persons aggrieved.

## CHAPTER XXXIV

### IMPEACHMENT

**Who may be Impeached—**

- 1. Governor.
- 2. Lieutenant-governor.
- 3. Secretary of State.
- 4. State auditor.
- 5. State treasurer.
- 6. Attorney-general.
- 7. Superintendent of schools.
- 8. Judges of the—
  - a.* Supreme Court;
  - b.* Courts of Appeals;
  - c.* Circuit courts;
  - d.* Criminal courts.
  - e.* Courts of common pleas.

**For what Offenses**—*a.* High crimes and misdemeanors.

*b.* Misconduct, habits of drunkenness, or oppression in office.

The specific crimes and offenses included in the statement “high crimes and misdemeanors” are purposely left to the interpretation and judgment of the tribunals of impeachment and trial, the House and the Senate. The words are used in a broad and general sense, and are meant to include those having a legal status and others not defined in the ordinary code of offenses. Acts which in a private citizen would be, perhaps, breaches of trust, of decency, or of good morals, become in a public officer misdemeanors unfitting him for his position.

The constitutional provision is, therefore, vague and somewhat at large, because it is impossible to enumerate the many phases in which the conduct of a public servant may render his continuance in office a common scandal, if not a public danger.

The words “high crimes and misdemeanors” are common to the Constitutions of the United States and of Missouri; but the statement “for misconduct, habits of drunkenness, and oppression in office” occurs only in the latter. These words make manifest the scope of authority given to the impeaching body and the high trial court.

**Charges**—If the members of the House believe there is good cause to impeach an officer, they shall cause articles of impeachment to be preferred against him. The charges are transmitted at once to the Senate.

**Committee of Prosecution**—To conduct the case before the Senate sitting as a court of impeachment, the House appoints a committee of managers.

**Officer Suspended**—In Missouri, an officer impeached



is not allowed to exercise his official functions during the progress of the trial. If acquitted, he resumes his office; if convicted, the minor punishment to be inflicted is removal from the office held.\*

**Answer and Trial**—When articles of impeachment are presented to the Senate, a day is appointed for the appearance and answer of the accused; and later a day is set for the trial.

**The Proceedings** under impeachment are conducted with impartial deliberation and by the rules of judicial procedure.

The senators and the presiding officer of the Senate sit under oath to try the accused impartially and to do justice according to the law and the evidence.

A person shall not be convicted except upon the concurrence of two thirds of the senators present.

**Judgment** shall not extend beyond—

- a. Removal from office;
- b. Disqualification to hold any office of honor, trust, or profit under the State.

The party, whether convicted or not, shall be liable and subject to prosecution, trial, judgment, and punishment, according to law, in the courts of the State.

If the governor be impeached, the chief justice of the Supreme Court shall preside during the trial. In this case, since the President of the Senate is the lieutenant-governor, he is regarded as an interested party.

#### TOPICAL ANALYSIS

#### **Impeachment.**

##### I. WHO MAY BE IMPEACHED.

- 1, 2, 3, 4, etc.

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\* Young's Government Class-book, p. 82.

## II. FOR WHAT OFFENSES.

- a.* Language of Constitution.
  - 1. How used.
  - 2. Applied to—
    - a.* Private citizen;
    - b.* Public officer.
  - 3. Why left undefined.

## III. CHARGES.

- a.* Preferred.
- b.* Transmitted.

## IV. COMMITTEE OF PROSECUTION.

- a.* Its duty.

## V. SUSPENSION OF OFFICER.

- a.* Result if acquitted.
- b.* If convicted.

## VI. THE PROCEEDINGS.

- a.* Answer.
- b.* Trial.
  - 1. How conducted.
  - 2. The senators under oath.
  - 3. Majority to convict.
- c.* Judgment.
  - 1. As to its first form.
  - 2. Its second form.
  - 3. Does not exempt from trial by court.
- d.* Special provision if governors be impeached.

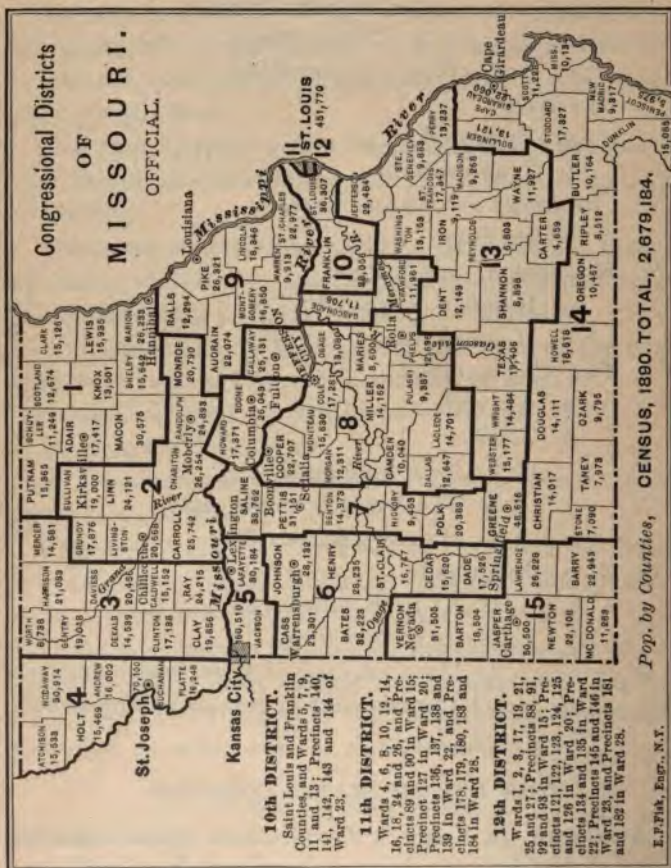
## THE UNITED STATES CONGRESS

As shown in Young's Government Class-book, the national legislative body is composed of the Senate and the House of Representatives.

Each State is entitled to two senators.

138 MISSOURI, ITS STATE AND LOCAL GOVERNMENT

The number of representatives is determined by population. Missouri is entitled to fifteen. The Congressional or representative districts are shown in the accompanying map.



For further information relating to Congress, the student is referred to the work mentioned.



# CONSTITUTION OF THE STATE OF MISSOURI

ADOPTED BY A VOTE OF THE PEOPLE, OCTOBER 30, 1875. WENT  
INTO OPERATION, NOVEMBER 30, 1875.

The paragraphs are numbered consecutively for convenient reference.

## Preamble

- 1** We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do, for the better government of the State, establish this Constitution.

## Article I. Boundaries

- 2** Section 1. The boundaries of the State, as heretofore established by law, are hereby ratified and confirmed. The State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the State, so far as the said rivers shall form a common boundary to this State and any other State or States; and the river Mississippi and the navigable rivers and waters leading to the same shall be common highways, and forever free to the citizens of this State and of the United States, without any tax, duty, impost, or toll therefor, imposed by this State.

## Article II. Bill of Rights

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare:

- 3** Section 1. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.
- 4** Sec. 2. That the people of this State have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their Constitution and form of government whenever they may deem it necessary to their safety and happiness; *Provided*, such change be not repugnant to the Constitution of the United States.
- 5** Sec. 3. That Missouri is a free and independent State, subject only to the Constitution of the United States; and as the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to coexist with it, the Legislature is not authorized to adopt, nor will the people of this State ever assent to, any amendment or change of the Constitution of the United States which may in anywise impair the right of local self-government belonging to the people of this State.

6 Sec. 4. That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails of its chief design.

7 Sec. 5. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of this State, or with the rights of others.

8 Sec. 6. That no person can be compelled to erect, support, or attend any place or system of worship, or to maintain or support any priest, minister, preacher, or teacher of any sect, church, creed, or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

9 Sec. 7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religion, or in aid of any priest, preacher, minister, or teacher thereof as such; and that no preference shall be given to, nor any discrimination made against, any church, sect, or creed of religion, or any form of religious faith or worship.

10 Sec. 8. That no religious corporation can be established in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages, and cemeteries.

11 Sec. 9. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

12 Sec. 10. The courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice should be administered without sale, denial, or delay.

13 Sec. 11. That the people shall be secure in their persons, papers, homes, and effects from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.

14 Sec. 12. That no person shall, for felony, be proceeded against criminally otherwise than by indictment, 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; in all other cases offenses shall be prosecuted criminally by indictment or information as concurrent remedies.

15 Sec. 13. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid



and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

16 Sec. 14. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write, or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

17 Sec. 15. That no *ex post facto* law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be passed by the General Assembly.

18 Sec. 16. That imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.

19 Sec. 17. That the right of no citizen to keep and bear arms in defense of his home, person, and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

20 Sec. 18. That no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

21 Sec. 19. That no person who is now or may hereafter become a collector or receiver of public money or assistant or deputy of such collector or receiver shall be eligible to any office of trust or profit in the State of Missouri, under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.

22 Sec. 20. That no private property can be taken for private use, with or without compensation, unless by the consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes, in such manner as may be prescribed by law; and that whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and as such judicially determined, without regard to any legislative assertion that the use is public.

23 Sec. 21. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad



tracks without consent of the owner thereof shall remain in such owner, subject to the use for which it is taken.

24 Sec. 22. In criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

25 Sec. 23. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person after being once acquitted by a jury be again, for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt or innocence is submitted fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.

26 Sec. 24. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

27 Sec. 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

28 Sec. 26. That the privilege of the writ of *habeas corpus* shall never be suspended.

29 Sec. 27. That the military shall always be in strict subordination to the civil power; that 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.

30 Sec. 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter, a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill.

31 Sec. 29. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, by petition or remonstrance.

32 Sec. 30. That no person shall be deprived of life, liberty, or property without due process of law.

33 Sec. 31. That there cannot be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

34 Sec. 32. The enumeration in this Constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

### Article III. The Distribution of Powers

35 The powers of government shall be divided into three distinct departments—the legislative, executive, and judicial—each of which shall be confided to a separate magistracy, and no person, or collec-

tion of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

**Article IV. Legislative Department**

36 Section 1. The legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled "The General Assembly of the State of Missouri."

**REPRESENTATION AND APPORTIONMENT**

37 Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

38 Sec. 3. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: *Provided*, that when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be subdivided into districts, so as to give each district not less than two nor more than four Representatives, who shall be residents of such district—the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

39 Sec. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election—if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken—and who shall not have paid a State and county tax within one year next preceding the election.

40 Sec. 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.



- 41 Sec. 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year next before the day of his election—if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken—and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.
- 42 Sec. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census by the United States shall have been taken, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census, or if such census be not taken, or is delayed, then on the basis of a State census—such apportionment to be made at the first session of the General Assembly after each such census: *Provided*, that if at any time, or from any cause, the General Assembly shall fail or refuse to district the State for Senators, as required in this section, it shall be the duty of the Governor, Secretary of State, and Attorney-General, within thirty days after the adjournment of the General Assembly on which such duty devolved, to perform said duty, and to file in the office of the Secretary of State a full statement of the districts formed by them, including the names of the counties embraced in each district, and the numbers thereof—said statement to be signed by them, and attested by the Great Seal of the State, and upon the proclamation of the Governor the same shall be as binding and effectual as if done by the General Assembly.
- 43 Sec. 8. Until an apportionment of Representatives can be made, in accordance with the provisions of this article, the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State as follows: The county of St. Louis shall have seventeen; the county of Jackson four; the county of Buchanan three; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike, and Saline, each two, and each of the other counties in the State one.
- 44 Sec. 9. Senatorial and representative districts may be altered from time to time as public convenience may require. When any senatorial district shall be composed of two or more counties, they shall be contiguous—such districts to be as compact as may be—and in the formation of the same no county shall be divided.
- 45 Sec. 10. The first election of Senators and Representatives, under this Constitution, shall be held at the general election in the year one thousand eight hundred and seventy-six, when the whole number of Representatives, and the Senators from the districts having odd numbers, who shall compose the first class, shall be chosen;



and in one thousand eight hundred and seventy-eight the Senators from the districts having even numbers, who shall compose the second class; and so on at each succeeding general election half the Senators provided for by this Constitution shall be chosen.

46 Sec. 11. As this section divided the State into provisional senatorial districts long since superseded it is omitted. (For the districts as now constituted, see another page.)

47 Sec. 12. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof (militia officers, justices of the peace, and notaries public excepted), shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress.

48 Sec. 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

49 Sec. 14. Writs of election to fill such vacancies as may occur in either house of the General Assembly shall be issued by the Governor.

50 Sec. 15. Every Senator and Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear [or affirm] that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme Court, or the Circuit court or the County court of Cole County, or, after the organization, by the presiding officer of either house, and shall be filed in the office of the Secretary of State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

51 Sec. 16. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may from time to time be provided by law, not to exceed five dollars per day for the first seventy days of each session, and after that not to exceed one dollar per day for the remainder of the session, except the first session held under this Constitution, and during revising sessions, when they may receive five dollars per day for one hundred and twenty days, and one dollar per day for the remainder of such sessions. In addition to per diem, the members shall be entitled to receive traveling expenses or mileage, for any regular and extra session, not greater than now provided by law; but no member shall be entitled to traveling expenses or mileage for any extra session that may be called within one day after an adjournment of a regular session. Committees of either house, or joint committees of both houses, appointed to examine the institutions of the State, other than those at the seat of government, may

receive their actual expenses, necessarily incurred while in the performance of such duty—the items of such expenses to be returned to the chairman of such committee, and by him certified to the State Auditor, before the same or any part thereof can be paid. Each member may receive at each regular session an additional sum of thirty dollars, which shall be in full for all stationery used in his official capacity, and all postage, and all other incidental expenses and perquisites; and no allowance or emoluments, for any purpose whatever, shall be made to or received by the members, or any member of either house, or for their use, out of the contingent fund or otherwise, except as herein expressly provided; and no allowance or emolument, for any purpose whatever, shall ever be paid to any officer, agent, servant, or employé of either house of the General Assembly, or of any committee thereof, except such per diem as may be provided for by law, not to exceed five dollars.

52 -Sec. 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, election, and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine, not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct, and, with the concurrence of two thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

53 -Sec. 18. A majority of the whole number of members of each house shall constitute a quorum to do 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.

54 -Sec. 19. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

55 -Sec. 20. The General Assembly elected in the year one thousand eight hundred and seventy-six shall meet on the first Wednesday after the first day of January, one thousand eight hundred and seventy-seven; and thereafter the General Assembly shall meet in regular session once only in every two years; and such meeting shall be on the first Wednesday after the first day of January next after the elections of the members thereof.

56 -Sec. 21. Every adjournment or recess taken by the General Assembly for more than three days shall have the effect of and be an adjournment *sine die*.

57 -Sec. 22. Every adjournment or recess taken by the General Assembly for three days or less shall be construed as not interrupting the session at which they are had or taken, but as continuing the session for all the purposes mentioned in section sixteen of this article.

58 -Sec. 23. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

#### LEGISLATIVE PROCEEDINGS

59 -Sec. 24. The style of the laws of this State shall be: "*Be it enacted by the General Assembly of the State of Missouri, as follows.*"



- 60** Sec. 25. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.
- 61** Sec. 26. Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house.
- 62** Sec. 27. No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.
- 63** Sec. 28. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title.
- 64** Sec. 29. All amendments adopted by either house to a bill pending and originating in the same shall be incorporated with the bill by engrossment, and the bill, as thus engrossed, shall be printed for the use of the members before its final passage. The engrossing and printing shall be under the supervision of a committee, whose report to the house shall set forth, in writing, that they find the bill truly engrossed, and that the printed copy furnished to the members is correct.
- 65** Sec. 30. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision as provided in the next preceding section, for the use of the members, before final action on such amendments.
- 66** Sec. 31. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal, and a majority of the members elected to each house be recorded thereon as voting in its favor.
- 67** Sec. 32. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.
- 68** Sec. 33. No act shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original act.
- 69** Sec. 34. No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.
- 70** Sec. 35. When a bill is put upon its final passage in either house, and, failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to recon-



sider shall be immediately taken, and the subject finally disposed of before the house proceeds to any other business.

**71** Sec. 36. No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act), the General Assembly shall, by a vote of two thirds of all the members elected to each house, otherwise direct—said vote to be taken by yeas and nays and entered upon the journal.

**72** Sec. 37. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session; and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that, if no objections be made, he will sign the same to the end that it may become a law. The bill shall then be read at length, and if no objections be made, he shall, in presence of the house in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal, and the bill immediately sent to the other house. When it reaches the other house, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceedings shall thereupon be observed, in every respect, as in the house in which it was first signed. If in either house any member shall object that any substitution, omission, or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the house, or that any particular clause of this article of the Constitution has been violated in its passage, such objection shall be passed upon by the house, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any five members may embody the same, over their signatures, in a written protest, under oath, against the signing of the bill. Said protest, when offered in the house, shall be noted upon the journal, and the original shall be annexed to the bill, to be considered by the Governor in connection therewith.

**73** Sec. 38. When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person, on the same day on which it was signed as aforesaid, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor, and returned within ten days to the house in which the same originated, with the approval of the Governor, shall become a law, unless it be in violation of some provision of this Constitution.

**74** Sec. 39. Every bill presented as aforesaid, but returned without the approval of the Governor, and with his objections thereto, shall stand as reconsidered in the house to which it is returned. The house shall cause the objections of the Governor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal, and if two thirds of all the

members elected to the house vote in the affirmative, the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house, in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of the votes of all the members elected to that house, the vote being taken by yeas and nays, the presiding officer thereof shall in like manner certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act, and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

75 Sec. 40. Whenever the Governor shall fail to perform his duty as prescribed in section twelve, Article V, of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: *Provided*, that such joint resolution shall not be submitted to the Governor for his approval.

76 Sec. 41. Within five years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested, and promulgated in such manner as the General Assembly shall direct; and a like revision, digest, and promulgation shall be made at the expiration of every subsequent period of ten years.

77 Sec. 42. Each house shall from time to time publish a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.

#### LIMITATION OF LEGISLATIVE POWER

78 Sec. 43. All revenue collected and moneys received by the State, from any source whatsoever, shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

*First.* For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

*Second.* For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

*Third.* For free public-school purposes.

*Fourth.* For the payment of the cost of assessing and collecting the revenue.

*Fifth.* For the payment of the civil list.

*Sixth.* For the support of the eleemosynary institutions of the State.

*Seventh.* For the pay of the General Assembly, and such other purposes, not herein prohibited, as it may deem necessary; but no General Assembly shall have power to make any appropriation or



money for any purpose whatsoever, until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

79

Sec. 44. The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof, except in the following cases:

*First.* In renewal of existing bonds, when they cannot be paid at maturity, out of the sinking fund or other resources.

*Second.* On the occurring of an unforeseen emergency, or casual deficiency of the revenue when the temporary liability incurred, upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year, to be paid in not more than two years from and after its creation.

*Third.* On the occurring of any unforeseen emergency or casual deficiency of the revenue, when the temporary liability incurred or to be incurred shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act providing for the loan, or for the contracting of the liability, and containing a provision for levying a tax sufficient to pay the interest and principal when they become due (the latter in not more than thirteen years from the date of its creation), to the qualified voters of the State, and when the act so submitted shall have been ratified by a two-thirds majority, at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrevocable until the debt thereby incurred shall be paid, principal and interest.

80

Sec. 45. The General Assembly shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State in aid of or to any person, association, or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

81

Sec. 46. The General Assembly shall have no power to make any grant or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other corporation whatsoever: *Provided*, that this shall not be so construed as to prevent the grant of aid in a case of public calamity.

82

Sec. 47. The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, to lend its credit or to grant public money or thing of value in aid of or to any individual, association, or corporation whatsoever, or to become a stockholder in such corporation, association, or company.

83

Sec. 48. The General Assembly shall have no power to grant or to authorize any county or municipal authority to grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor



- authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.
- 84 Sec. 49. The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State, in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.
- 85 Sec. 50. The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.
- 86 Sec. 51. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any county or other municipal corporation therein.
- 87 Sec. 52. The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidences of indebtedness for the payment or on account or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been presented to and paid by the Government of the United States to the State of Missouri.
- 88 Sec. 53. The General Assembly shall not pass any local or special law—
- Authorizing the creation, extension, or impairing of liens;
  - Regulating the affairs of counties, cities, townships, wards, or school districts;
  - Changing the names of persons or places;
  - Changing the venue in civil or criminal cases;
  - Authorizing the laying out, opening, altering, or maintaining roads, highways, streets, or alleys;
  - Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;
  - Vacating roads, town plats, streets, or alleys;
  - Relating to cemeteries, grave-yards, or public grounds not of the State;
  - Authorizing the adoption or legitimation of children;
  - Locating or changing county-seats;
  - Incorporating cities, towns, or villages, or changing their characters;
  - For the opening and conducting of elections, or fixing or changing the places of voting;
  - Granting divorces;
  - Erecting new townships, or changing township lines, or the lines of school districts;
  - Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts;
  - Changing the law of descent or succession;

Regulating the practice or jurisdiction of or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate ;

Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables ;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes ;

Fixing the rate of interest ;

Affecting the estates of minors or persons under disability ;

Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury ;

Exempting property from taxation ;

Regulating labor, trade, mining, or manufacturing ;

Creating corporations, or amending, renewing, extending, or explaining the charter thereof ;

Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity, or to any corporation, association, or individual the right to lay down a railroad track ;

Declaring any named person of age ;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their official duties, or their securities from liability ;

Giving effect to informal or invalid wills or deeds ;\*

Summoning or empaneling grand or petit juries ;

For limitation of civil actions ;

Legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. In all other cases where a general law can be made applicable, no local or special law shall be enacted ; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject ;

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law ; but laws repealing local or special acts may be passed.

89

Sec. 54. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed, and the notice shall be recited in the act according to its tenor.

90

Sec. 55. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.



- 91 Sec. 56. The General Assembly shall have no power to remove the seat of government of this State from the City of Jefferson.

**Article V. Executive Department**

- 92 Section 1. The Executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools, all of whom, except the Lieutenant-Governor, shall reside at the seat of government during their term of office, and keep the public records, books, and papers there, and shall perform such duties as may be prescribed by law.

- 93 Sec. 2. The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the Governor and State Treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all of such officers, except the Superintendent of Public Schools, shall be elected, and the Superintendent of Public Schools shall be elected at the general election in the year one thousand eight hundred and seventy-eight, and every four years thereafter.

- 94 Sec. 3. The returns of every election for the above-named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly shall by joint vote choose one of such persons for said office.

- 95 Sec. 4. The supreme executive power shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Missouri."

- 96 Sec. 5. The Governor shall be at least thirty-five years old, a male, and shall have been a citizen of the United States ten years, and a resident of this State seven years, next before his election.

- 97 Sec. 6. The Governor shall take care that the laws are distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.

- 98 Sec. 7. The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection, and repel invasion; but he need not command in person unless directed so to do by a resolution of the General Assembly.

- 99 Sec. 8. The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such condition and with such restrictions and limitations as he may think proper, subject



to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon, or reprieve, and the reason for granting the same.

100 Sec. 9. The Governor shall from time to time give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

101 Sec. 10. The Governor shall, at the commencement of each session of the General Assembly, and at the close of his term of office, give information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, in such manner as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session present estimates of the amount of money required to be raised by taxation for all purposes.

102 Sec. 11. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed and qualified according to law.

103 Sec. 12. The Governor shall consider all bills and joint resolutions which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the house in which they respectively originated all such bills and joint resolutions, with his approval indorsed thereon, or accompanied by his objections: *Provided*, that if the General Assembly shall finally adjourn within ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

104 Sec. 13. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days to the office of Secretary of State, with his approval or reasons for disapproval.

105 Sec. 14. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect shall be proceeded upon in the same

- manner as in the case of a bill: *Provided*, that no resolution shall have the effect to repeal, extend, alter, or amend any law.
- 106 Sec. 15. The Lieutenant-Governor shall possess the same qualifications as the Governor, and by virtue of his office shall be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division he shall give the casting vote in the Senate, and also in joint vote of both houses.
- 107 Sec. 16. In case of death, conviction or impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties, and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.
- 108 Sec. 17. The Senate shall choose a President *pro tempore* to preside in cases of the absence or impeachment of the Lieutenant-Governor, or when he shall hold the office of Governor. If there be no Lieutenant-Governor, or the Lieutenant-Governor shall, for any of the causes specified in section sixteen of this article, become incapable of performing the duties of the office, the President 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-named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, in the same manner and with the same powers and compensation as are prescribed in the case of the office devolving upon the Lieutenant-Governor.
- 109 Sec. 18. The Lieutenant-Governor or the President *pro tempore* of the Senate, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.
- 110 Sec. 19. No person shall be eligible to the office of Secretary of State, State Auditor, State Treasurer, Attorney-General, or Superintendent of Public Schools, unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.
- 111 Sec. 20. The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor, his approval of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri," and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.
- 112 Sec. 21. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly, whenever required to do so.
- 113 Sec. 22. An account shall be kept by the officers of the Executive department of all moneys and choses in actions disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information in writing, under oath, from the officers of the Executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management, and expenses of their respective offices and institutions; which information, when so required, shall be furnished by



such officers and managers; and any officer or manager who at any time shall make a false report shall be guilty of perjury and punished accordingly.

114 Sec. 23. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

115 Sec. 24. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms; and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. All fees that may hereafter be payable by law for any service performed by any officer provided for in this article shall be paid in advance into the State treasury.

116 Sec. 25. Contested elections of Governor and Lieutenant-Governor shall be decided by a joint vote of both houses of the General Assembly in such manner as may be provided by law; and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

#### Article VI. Judicial Department

117 Section 1. The judicial power of the State, as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme court, the St. Louis court of appeals, circuit courts, criminal courts, probate courts, county courts, and municipal corporation courts.

118 Sec. 2. The Supreme court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

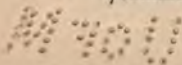
119 Sec. 3. The Supreme court shall have a general superintending control over all inferior courts. It shall have power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, and other original remedial writs, and to hear and determine the same.

120 Sec. 4. The judges of the Supreme court shall hold office for the term of ten years. The judge oldest in commission shall be Chief Justice of the court; and, if there be more than one commission of the same date, the court may select the Chief Justice from the judges holding the same.

121 Sec. 5. The Supreme court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be conservators of the peace throughout the State, and shall be elected by the qualified voters thereof.

122 Sec. 6. The judges of the Supreme court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.

123 Sec. 7. The full terms of the judges of the Supreme court shall commence on the first day of January next ensuing their election,





and those elected to fill any vacancy shall also enter upon the discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

**124** Sec. 8. The present judges of the Supreme court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.

**125** Sec. 9. The Supreme court shall be held at the seat of government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesday in October and April of each year.

**126** Sec. 10. The State shall provide a suitable court-room at the seat of government, in which the Supreme court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the State library.

**127** Sec. 11. If, in any cause pending in the Supreme court or the St. Louis court of appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.

**128** Sec. 12. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis court of appeals," the jurisdiction of which shall be coextensive with the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln, and Warren. Said court shall have power to issue writs of *habeas corpus*, *quo warranto*, *mandamus*, *certiorari*, and other original remedial writs, and to hear and determine the same, and shall have a superintending control over all inferior courts of record in said counties. Appeals shall lie from the decisions of the St. Louis court of appeals to the Supreme court, and writs of error may issue from the supreme court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or statute of authority exercised under the United States is drawn in question; in cases involving the construction of the revenue laws of this State, or the title to any office under this State; in cases involving the title to real estate; in cases where a county or other political subdivision of the State or any State officer is a party, and in all cases of felony.

**129** Sec. 13. The St. Louis court of appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis, and the counties of St. Louis, St. Charles, Lincoln, and Warren, who shall hold their offices for the period of twelve years. They shall be residents of the district composed of said counties, shall possess the same qualifications as judges of the Supreme court, and each shall receive the same compensation as is now, or may be, provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources: *Provided*, that each of

- said counties shall pay its proportional part of the same, according to its taxable property.
- 130** Sec. 14. The judges of said court shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Monday of March and October, and the first term of said court shall be held on the first Monday in January, 1876.
- 131** Sec. 15. The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the Supreme court shall apply to this court, so far as the same may be applicable.
- 132** Sec. 16. At the first general election held in said city and counties after the adoption of this Constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively, four, eight, and twelve years, and certify the result to the Secretary of State; and every four years thereafter one judge of said court shall be elected, to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this State shall be the presiding judge of said court.
- 133** Sec. 17. Upon the adoption of this Constitution the Governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.
- 134** Sec. 18. The clerk of the Supreme court at St. Louis shall be the clerk of the St. Louis court of appeals until the expiration of the term for which he was appointed clerk of the Supreme court, and until his successor shall be duly qualified.
- 135** Sec. 19. All cases which may be pending in the Supreme court at St. Louis at the time of the adoption of this Constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis court of appeals, shall be certified and transferred to the St. Louis court of appeals, to be heard and determined by said court.
- 136** Sec. 20. All cases coming to said court by appeal or writ of error shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.
- 137** Sec. 21. Upon the adoption of this Constitution, and after the close of the next regular terms of the Supreme court at St. Louis and St. Joseph, as now established by law, the office of the clerk of the Supreme court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme court at Jefferson City all the books, records, documents, transcripts, and papers belonging to their respective offices, except those required by section nineteen of this article to be turned over to the St. Louis court of appeals; and said records, documents, transcripts, and papers shall become part of the records, documents, transcripts, and papers of said Supreme court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.
- 138** Sec. 22. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law, exclusive original



jurisdiction in all civil cases not otherwise provided for, and such concurrent jurisdiction with an appellate jurisdiction from inferior tribunals and justices of the peace as is or may be provided by law. It shall hold its terms at such times and places in each county as may be by law directed; but at least two terms shall be held every year in each county.

139 Sec. 23. The circuit court shall exercise a superintending control over criminal courts, probate courts, county courts, municipal corporation courts, justices of the peace, and all inferior tribunals in each county in their respective circuits.

140 Sec. 24. The State, except as otherwise provided in this Constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be changed, enlarged, diminished, or abolished from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office of the judge of such circuit shall cease.

141 Sec. 25. The judges of the circuit courts shall be elected by the qualified voters of each circuit; shall hold their offices for the term of six years, and shall reside in and be conservators of the peace within their respective circuits.

142 Sec. 26. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty years, been a citizen of the United States five years, a qualified voter of this State for three years, and who shall not be a resident of the circuit in which he may be elected or appointed.

143 Sec. 27. The circuit court of St. Louis county shall be composed of five judges, and such additional number as the General Assembly may from time to time provide. Each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term, for the purpose of making rules of court, and for the transaction of such other business as may be provided by law, at such time as they may determine; but shall have no power to review any order, decision, or proceeding of the court in special term. The St. Louis court of appeals shall have exclusive jurisdiction of all appeals from and writs of error to the circuit courts of St. Charles, Lincoln, and Warren counties, and the circuit court of St. Louis county, in special term, and all courts of record having criminal jurisdiction in said counties.

144 Sec. 28. In any circuit composed of a single county, the General Assembly may from time to time provide for one or more additional judges, as the business shall require; each of whom shall separately try cases and perform all other duties imposed upon circuit judges.

145 Sec. 29. If there be a vacancy in the office of judge of any circuit, or if the judge be sick, absent, or from any cause unable to hold any term or part of term of court, in any county in his circuit, such term or part of term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court or part of term in his circuit may be held by the judge of any other circuit; and in all such cases, or in any case where the judge cannot preside, the General Assembly shall make such additional provision for holding court as may be found necessary.



- 146 Sec. 30. The election of judges of all courts of record shall be held as is or may be provided by law, and in case of a tie or contested election between the candidates, the same shall be determined as prescribed by law.
- 147 Sec. 31. The General Assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand.
- 148 Sec. 32. In case the office of judge of any court of record become vacant by death, resignation, removal, failure to qualify, or otherwise, such vacancy shall be filled in the manner provided by law.
- 149 Sec. 33. The judges of the Supreme, appellate, and circuit courts, and of all other courts of record receiving a salary, shall, at stated times, receive such compensation for their services as is or may be prescribed by law; but it shall not be increased or diminished during the period for which they were elected.
- 150 Sec. 34. The General Assembly shall establish in every county a probate court, which shall be a court of record, and consist of one judge, who shall be elected. Said court shall have jurisdiction over all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators, and guardians, and the sale or leasing of lands by administrators, curators, and guardians; and, also, jurisdiction over all matters relating to apprentices: *Provided*, that until the General Assembly shall provide by law for a uniform system of probate courts, the jurisdiction of probate courts heretofore established shall remain as now provided by law.
- 151 Sec. 35. Probate courts shall be uniform in their organization, jurisdiction, duties, and practice, except that a separate clerk may be provided for, or the judge may be required to act, *ex officio*, as his own clerk.
- 152 Sec. 36. In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.
- 153 Sec. 37. In each county there shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties, and duration in office shall be regulated by law.
- 154 Sec. 38. All writs and process shall run and all prosecutions shall be conducted in the name of the "State of Missouri;" all writs shall be attested by the clerk of the court from which they shall be issued; and all indictments shall conclude, "against the peace and dignity of the State."
- 155 Sec. 39. The St. Louis court of appeals and Supreme court shall appoint their own clerks. The clerks of all other courts of record shall be elective, for such terms and in such manner as may be directed by law: *Provided*, that the term of office of no existing clerk of any court of record, not abolished by this Constitution, shall be affected by such law.
- 156 Sec. 40. In case there be a tie or a contested election between candidates for clerk of any court of record, the same shall be determined in such manner as may be directed by law.

- 157** Sec. 41. In case of the inability of any judge of a court of record to discharge the duties of his office with efficiency, by reason of continued sickness, or physical or mental infirmity, it shall be in the power of the General Assembly, two thirds of the members of each house concurring, with the approval of the Governor, to remove such judge from office; but each house shall state on its respective journal the cause for which it shall wish his removal, and give him notice thereof, and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct.
- 158** Sec. 42. All courts now existing in this State, not named or provided for in this Constitution, shall continue until the expiration of the terms of office of the several judges; and as such terms expire, the business of said courts shall vest in the court having jurisdiction thereof in the counties where said courts now exist, and all the records and papers shall be transferred to the proper courts.
- 159** Sec. 43. The Supreme court of the State shall designate what opinions delivered by the court, or the judges thereof, may be printed at the expense of the State; and the General Assembly shall make no provision for payment by the State for the publication of any case decided by said court not so designated.
- 160** Sec. 44. All judicial decisions in this State shall be free for publication by any person.

**Article VII. Impeachments**

- 161** Section 1. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendent of Public Schools, and Judges of the Supreme, circuit, and criminal courts, and of the St. Louis court of appeals, shall be liable to impeachment for high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office.
- 162** Sec. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall be sworn to do justice according to law and evidence. When the Governor of the State is on trial, the Chief Justice of the Supreme court shall preside. No person shall be convicted without the concurrence of two thirds of the Senators present. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State. The party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial, judgment, and punishment according to law.

**Article VIII. Suffrage and Elections**

- 163** Section 1. The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this Constitution shall be held on that day in the year one thousand eight hundred and seventy-six; but the General Assembly may by law fix a different day—two thirds of all the members of each house consenting thereto.
- 164** Sec. 2. Every male citizen of the United States, and every male person of foreign birth, who may have declared his intention to become a citizen of the United States according to law, not less



than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

*First.* He shall have resided in the State one year immediately preceding the election at which he offers to vote.

*Second.* He shall have resided in the county, city, or town where he shall offer to vote at least sixty days immediately preceding the election.

**165** Sec. 3. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: *Provided*, that in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

**166** Sec. 4. Voters shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

**167** Sec. 5. The General Assembly shall provide, by law, for the registration of all voters in cities and counties having a population of more than one hundred thousand inhabitants, and may provide for such registration in cities having a population exceeding twenty-five thousand inhabitants and not exceeding one hundred thousand, but not otherwise.

**168** Sec. 6. All elections, by persons in a representative capacity, shall be *via voce*.

**169** Sec. 7. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a poor-house or other asylum at public expense, nor while kept in a poor-house or other asylum at public expense, nor while confined in public prison.

**170** Sec. 8. No person, while kept at any poor-house or other asylum, at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State.

**171** Sec. 9. The trial and determination of contested elections of all public officers, whether State, judicial, municipal, or local, except Governor and Lieutenant-Governor, shall be by the courts of law, or by one or more of the judges thereof. The General Assembly shall by general law designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law, assigning jurisdiction or regulating its exercise, shall apply to any contest arising out of any election held before said law shall take effect.

**172** Sec. 10. The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage.



**173** Sec. 11. No officer, soldier, or marine in the regular army or navy of the United States shall be entitled to vote at any election in this State.

**174** Sec. 12. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding his election or appointment.

**Article IX. Counties, Cities, and Towns**

**175** Section 1. The several counties of this State, as they now exist, are hereby recognized as legal subdivisions of the State.

**176** Sec. 2. The General Assembly shall have no power to remove the county-seat of any county, but the removal of county-seats shall be provided for by general law; and no county-seat shall be removed unless two thirds of the qualified voters of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in five years. All additions to a town which is a county-seat shall be included, considered, and regarded as part of the county-seat.

**177** Sec. 3. The General Assembly shall have no power to establish any new county with a territory of less than four hundred and ten square miles, nor to reduce any county, now established, to a less area or less population than required for a ratio of representation existing at the time; but when a new county is formed, having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. No county shall be divided or have any portion stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county-seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

**178** Sec. 4. No part of the territory of any county shall be stricken off and added to an adjoining county, without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question, shall vote therefor. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken.

**179** Sec. 5. When any new county, formed from contiguous territory taken from older counties, or when any county to which territory shall be added taken from an adjoining county, shall fail to pay the proportion of indebtedness of such territory to the county or counties from which it is taken, then it may be lawful for any county from which such territory has been taken to levy and collect, by taxation, the due proportion of indebtedness of such territory in the same manner as if the territory had not been stricken off.

- 180 Sec. 6. No county, township, city, or other municipality shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation or loan its credit to or in aid of any such corporation or association, or to or in aid of any college or institution of learning, or other institution, whether created for or to be controlled by the State or others. All authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: *Provided, however*, that nothing in this Constitution contained shall affect the right of any such municipality to make such subscription where the same has been authorized under existing laws by a vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds or the use of such other means as are or may be prescribed by law, for the liquidation or payment of such subscription, or of any existing indebtedness.
- 181 Sec. 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town, or village, existing by virtue of any special or local law, may elect to become subject to and be governed by the general laws relating to such corporations.
- 182 Sec. 8. The General Assembly may provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization, may be dispensed with, and the business of said county, and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: *Provided*, that the justices of the county court in such case shall not exceed three in number.
- 183 Sec. 9. In any county which shall have adopted township organization, the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county, and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.
- 184 Sec. 10. There shall be elected by the qualified voters in each county, at the time and places of electing representatives, a sheriff and coroner. They shall serve for two years, and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be eligible only four years in any period of six. Before entering on the duties of their office, they shall give security in the amount and in such manner as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein,



who shall continue in office until the next succeeding general election, and until their successors shall be duly elected and qualified.

**185** Sec. 11. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

**186** Sec. 12. The General Assembly shall, by a law uniform in its operation, provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

**187** Sec. 13. The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail and verifying the same by his affidavit; and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of willful and corrupt perjury.

**188** Sec. 14. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township, and municipal officers as public convenience may require; and their terms of office and duties shall be prescribed by law; but no term of office shall exceed four years.

**189** Sec. 15. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

**190** Sec. 16. Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election; which board shall, within ninety days after such election, return to the chief magistrate of such city a draft of such charter, signed by the members of such board, or a majority of them. Within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city at a general or special election, and if four-sevenths of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city, and supersede any existing charter and amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification,



which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter, so adopted, may be amended by a proposal therefor, made by the law-making authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of such city, voting at a general or special election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State.

**191** Sec. 17. It shall be a feature of all such charters that they shall provide, among other things, for a mayor or chief magistrate and two houses of legislation, one of which at least shall be elected by general ticket; and in submitting any such charter or amendment thereto to the qualified voters of such city, any alternative section or article may be presented for the choice of the voters, and may be voted on separately, and accepted or rejected separately, without prejudice to other articles or sections of the charter or any amendment thereto.

**192** Sec. 18. In cities or counties having more than two hundred thousand inhabitants, no person shall, at the same time, be a State officer and an officer of any county, city, or other municipality; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace, or officers of the militia.

**193** Sec. 19. The corporate authorities of any county, city, or other municipal subdivision of this State having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in section twelve of article X of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate during any fiscal year, toward the general governmental expenses thereof, a sum not exceeding seven eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city, or municipality) that was actually raised by taxation alone during the preceding fiscal year; but until such excess of indebtedness cease, no further bonded debt shall be incurred, except for the renewal of other bonds.

#### St. Louis.

**194** Sec. 20. The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged, upon the following conditions, that is to say: The council of the city and county court of the county of St. Louis shall, at the request of the mayor of the city of St. Louis, meet in joint session and order an election, to be held as provided for general elections by the qualified voters of the city and county, of a board of thirteen freeholders of such city or

county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged and the residue of St. Louis county, and the government of the city thus enlarged, by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall, among other things, provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket; which scheme and charter shall be signed in duplicate by said board, or a majority of them, and one of them returned to the mayor of the city and the other to the presiding justice of the county court within ninety days after the election of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county, and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order therefor; and if a majority of such qualified voters, voting at such election, shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis, and all amendments thereof, and all special laws relating to St. Louis county inconsistent with such scheme.

**195** Sec. 21. A copy of such scheme and charter, with a certificate thereto appended, signed by the mayor and authenticated by the seal of the city, and also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of such scheme and charter to the qualified voters of such county and city, and its ratification by them, shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of St. Louis county, shall be deposited among the archives of the city, and thereafter all courts shall take judicial notice thereof.

**196** Sec. 22. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the law-making authorities of the city to the qualified voters thereof at a general or special election, held at least sixty days after the publication of such proposals, and accepted by at least three fifths of the qualified voters voting thereat.

**197** Sec. 23. Such charter and amendments shall always be in harmony with and subject to the Constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation for city purposes in the portions of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between city and county, the city shall take upon itself the entire park tax; and in consideration of the city becoming the proprietor of all the county buildings and property within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The judges of the county court shall be elected by the qualified voters outside of the city. The city, as enlarged, shall be entitled to the same representation



in the General Assembly, collect the State revenue, and perform all other functions in relation to the State in the same manner as if it were a county as in this Constitution defined; and the residue of the county shall remain a legal county of the State of Missouri, under the name of the county of St. Louis. Until the next apportionment for Senators and Representatives in the General Assembly, the city shall have six Senators and fifteen Representatives, and the county one Senator and two Representatives, the same being the number of Senators and Representatives to which the county of St. Louis, as now organized, is entitled under sections eight and eleven of article IV of this Constitution.

198 Sec. 24. The county and city of St. Louis, as now existing, shall continue to constitute the Eighth judicial circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

199 Sec. 25. Notwithstanding the provisions of this article, the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State.

#### Article X. Revenue and Taxation

200 Section 1. The taxing power may be exercised by the General Assembly for State purposes, and by counties and other municipal corporations, under authority granted to them by the General Assembly, for county and other corporate purposes.

201 Sec. 2. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly.

202 Sec. 3. Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

203 Sec. 4. All property subject to taxation shall be taxed in proportion to its value.

204 Sec. 5. All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises, and their capital stock.

205 Sec. 6. The property, real and personal, of the State, counties, and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also such property, real or personal, as may be used exclusively for agricultural or horticultural societies: *Provided*, that such exemptions shall be only by general law.

206 Sec. 7. All laws exempting property from taxation, other than the property above enumerated, shall be void.

207 Sec. 8. The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars valuation; and whenever the taxable



property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

208 Sec. 9. No county, city, town, or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

209 Sec. 10. The General Assembly shall not impose taxes upon counties, cities, towns, or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes; but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

210 Sec. 11. Taxes for county, city, town, and school purposes may be levied on all subjects and objects of taxation; but the valuation of property therefor shall not exceed the valuation of the same property in such town, city, or school district for State and county purposes. For county purposes the annual rate on property, in counties having six million dollars or less, shall not, in the aggregate, exceed fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars, said rate shall not exceed forty cents on the hundred dollars valuation; in counties having ten million dollars and under thirty million dollars, said rate shall not exceed fifty cents on the hundred dollars valuation; and in counties having thirty million dollars or more, said rate shall not exceed thirty-five cents on the hundred dollars valuation. For city and town purposes, the annual rate on property in cities and towns having thirty thousand inhabitants or more shall not, in the aggregate, exceed one hundred cents on the hundred dollars valuation; in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation; in cities and towns having less than ten thousand and more than one thousand inhabitants, said rate shall not exceed fifty cents on the hundred dollars valuation; and in towns having one thousand inhabitants or less, said rate shall not exceed twenty-five cents on the hundred dollars valuation. For school purposes in districts, the annual rate on property shall not exceed forty cents on the hundred dollars valuation: *Provided*, the aforesaid annual rates for school purposes may be increased, in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are tax-payers, voting at an election held to decide the question, vote for said increase. For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two thirds of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for State and county purposes, and the rate allowed to each

city or town by the number of inhabitants, according to the last census taken under the authority of the State, or of the United States; said restrictions, as to rates, shall apply to taxes of every kind and description, whether general or special, except taxes to pay valid indebtedness now existing or bonds which may be issued in renewal of such indebtedness.

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Sec. 12. No county, city, town, township, school district, or other political corporation or subdivision of the State shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness: *Provided*, that with such assent any county may be allowed to become indebted to a larger amount for the erection of a court-house or jail; *and provided further*, that any county, city, town, township, school district, or other political corporation or subdivision of the State, incurring any indebtedness requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for payment of the principal thereof within twenty years from the time of contracting the same.

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Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

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Sec. 14. The tax authorized by the sixth section of the ordinance adopted June sixth, one thousand eight hundred and sixty-five, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars; the proceeds of which tax shall be paid into the State treasury, and appropriated and paid out for the purposes expressed in the first and second subdivisions of section forty-three of article IV of this Constitution. The funds and resources now in the State Interest and State Sinking funds shall be appropriated to the same purposes; and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

214

Sec. 15. All moneys now or at any time hereafter in the State treasury belonging to the State shall, immediately on receipt thereof, be deposited by the Treasurer to the credit of the State for the benefit of the funds to which they respectively belong, in such bank or banks as he may, from time to time, with the approval of the Governor and Attorney-General, select—the said bank or banks giving security, satisfactory to the Governor and Attorney-General, for the safe-keeping and payment of such deposit, when demanded by the State Treasurer on his check—such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with



- such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State, according to law, upon warrants drawn by the State Auditor, and not otherwise.
- 215 Sec. 16. The Treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom; and shall publish, in such manner as the Governor may designate, quarterly statements, showing the amount of State moneys and where the same are kept or deposited.
- 216 Sec. 17. The making of profit out of State, county, city, town, or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.
- 217 Sec. 18. There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State, and Attorney-General. The duty of said Board shall be to adjust and equalize the valuation of real and personal property among the several counties in the State, and it shall perform such other duties as are or may be prescribed by law.
- 218 Sec. 19. No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payment be made, or a warrant shall have issued therefor, within two years after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, 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 sum or object. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
- 219 Sec. 20. The moneys arising from any loan, debt, or liability contracted by the State, or any county, city, town, or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.
- 220 Sec. 21. No corporation, company, or association, other than those formed for benevolent, religious, scientific, or educational purposes, shall be created or organized under the laws of this State, unless the persons named as incorporators shall, at or before the filing of the articles of association or incorporation, pay into the State treasury fifty dollars for the first fifty thousand dollars or less of capital stock, and a further sum of five dollars for every additional ten thousand dollars of its capital stock. And no such corporation, company, or association shall increase its capital stock without first paying into the treasury five dollars for every ten thousand dollars of increase: *Provided*, that nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation.

Article XI. Education

- 221 Section 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.



- 222** Sec. 2. The income of all the funds provided by the State for the support of free public schools shall be paid annually to the several county treasurers, to be disbursed according to law; but no school district in which a free public school has not been maintained at least three months during the year for which the distribution is made shall be entitled to receive any portion of such funds.
- 223** Sec. 3. Separate free public schools shall be established for the education of children of African descent.
- 224** Sec. 4. The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be president of the board. The Governor, Secretary of State, and Attorney-General shall be *ex officio* members, and, with the Superintendent, compose said Board of Education.
- 225** Sec. 5. The General Assembly shall, whenever the Public School fund will permit, and the actual necessity of the same may require, aid and maintain the State University, now established, with its present departments. The government of the State University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice of the Senate.
- 226** Sec. 6. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands, and other property now belonging to any State fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from unclaimed dividends and distributive shares of the estates of deceased persons; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts, or devises that have been or hereafter may be made to this State, and not otherwise appropriated by the State or the terms of the grant, gift, or devise, shall be paid into the State treasury, and securely invested and sacredly preserved as a Public School fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this article provided for, and for no other uses or purposes whatsoever.
- 227** Sec. 7. In case the Public School fund now provided and set apart by law for the support of free public schools shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with section eleven of the article on revenue and taxation; but in no case shall there be set apart less than twenty-five per cent of the State revenue, exclusive of the Interest and Sinking fund, to be applied annually to the support of the public schools.
- 228** Sec. 8. All moneys, stocks, bonds, lands, and other property belonging to a county school fund; also, the net proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any

breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and be securely invested and sacredly preserved in the several counties, as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

229 Sec. 9. No part of the Public School Fund of the State shall ever be invested in the stock or bonds or other obligations of any other State, or of any other county, city, town, or corporation; and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong, to said school fund, shall be invested in the bonds of the State of Missouri, or of the United States.

230 Sec. 10. All county school funds shall be loaned only upon unencumbered real estate security, of double the value of the loan, with personal security in addition thereto.

231 Sec. 11. Neither the General Assembly, nor any county, city, town, township, school district, or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever anything in aid of any religious creed, church, or sectarian purpose; or to help to support or sustain any private or public school, academy, seminary, college, university, or other institution of learning, controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town, or other municipal corporation, for any religious creed, church, or sectarian purpose whatever.

#### Article XII. Corporations

232 Section 1. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place, and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.

233 Sec. 2. No corporation, after the adoption of this Constitution, shall be created by special laws; nor shall any existing charter be extended, changed, or amended by special laws, except those for charitable, penal, or reformatory purposes, which are under the patronage and control of the State.

234 Sec. 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporations.

235 Sec. 4. The exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right of eminent domain any incorporated company shall be interested either for or against the exercise of said right.

236 Sec. 5. The exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct



- their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.
- 237** Sec. 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.
- 238** Sec. 7. No corporation shall engage in business, other than that expressly authorized in its charter or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate for any period longer than six years, except such as may be necessary and proper for carrying on its legitimate business.
- 239** Sec. 8. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days' public notice, as may be provided by law.
- 240** Sec. 9. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.
- 241** Sec. 10. No corporation shall issue preferred stock without the consent of all the stockholders.
- 242** Sec. 11. The term "corporation," as used in this article, shall be construed to include all joint-stock companies or associations having any powers or privileges not possessed by individuals or partnerships.

## RAILROADS.

- 243** Sec. 12. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount, for the transportation of the same, for a less distance, than the amount charged for any greater distance; and suitable laws shall be passed by the General Assembly to enforce this provision; but excursion and commutation tickets may be issued at special rates.
- 244** Sec. 13. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.
- 245** Sec. 14. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination



- and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.
- 246** Sec. 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the State Auditor, or some officer designated by law, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.
- 247** Sec. 16. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.
- 248** Sec. 17. No railroad or other corporation, or the lessees, purchasers, or managers of any railroad corporation, shall consolidate the stock, property, or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line. The question whether railroads are parallel or competing lines shall, when demanded, be decided by a jury, as in other civil issues.
- 249** Sec. 18. If any railroad company organized under the laws of this State shall consolidate, by sale or otherwise, with any railroad company organized under the laws of any other State, or of the United States, the same shall not thereby become a foreign corporation; but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.
- 250** Sec. 19. The General Assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State a new liability in respect to transactions or considerations already past.
- 251** Sec. 20. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any

- city, town, village, or on any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent first obtained.
- 252** Sec. 21. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.
- 253** Sec. 22. No president, director, officer, agent, or employé of any railroad company shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.
- 254** Sec. 23. No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise; and no railroad company, or any lessee, manager, or employé thereof, shall make any preference in furnishing cars or motive power.
- 255** Sec. 24. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State or county or municipal officers; and the acceptance of such pass or ticket, by a member of the General Assembly, or any such officer, shall be a forfeiture of his office.

## BANKS

- 256** Sec. 25. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint-stock company, or association for banking purposes, now created or hereafter to be created.
- 257** Sec. 26. No act of the General Assembly authorizing or creating corporations or associations with banking powers (except banks of deposit or discount), nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.
- 258** Sec. 27. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier, or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution, after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent, or manager shall be individually responsible for such deposits so received, and all such debts so created with his assent.

## Article XIII. Militia

- 259** Section 1. All able-bodied male inhabitants of this State between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of this State;



Provided, that no person who is religiously scrupulous of bearing arms can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law.

260 Sec. 2. The General Assembly, in providing for the organization, equipment, and discipline of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

261 Sec. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

262 Sec. 4. Volunteer companies of infantry, cavalry, and artillery may be formed in such manner and under such restrictions as may be provided by law.

263 Sec. 5. The volunteer and militia forces shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at musters, parades, and elections, and in going to and returning from the same.

264 Sec. 6. The Governor shall appoint the Adjutant-General, Quartermaster-General, and his other staff officers. He shall also, with the advice and consent of the Senate, appoint all major-generals and brigadier-generals.

265 Sec. 7. The General Assembly shall provide for the safe keeping of the public arms, military records, banners, and relics of the State.

#### Article XIV. Miscellaneous Provisions

266 Section 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

267 Sec. 2. No person shall be prosecuted in any civil action or criminal proceeding for, or on account of, any act by him done, performed, or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this State, or of the late Confederate States, or any of them, to do such act. And if any action or proceedings shall have been or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

268 Sec. 3. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

269 Sec. 4. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State.



- 270 Sec. 5. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.
- 271 Sec. 6. All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.
- 272 Sec. 7. The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town, and township officers, on conviction of willful, corrupt, or fraudulent violation or neglect of official duty.
- 273 Sec. 8. The compensation or fees of no State, county, or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.
- 274 Sec. 9. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.
- 275 Sec. 10. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts or parts of acts heretofore passed by the legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby avoided.
- 276 Sec. 11. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations in writing to the court.
- 277 Sec. 12. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house they shall not be questioned in any other place.

#### Article XV. Mode of Amending the Constitution

- 278 Section 1. This Constitution may be amended and revised only in pursuance of the provisions of this article.
- 279 Sec. 2. The General Assembly may, at any time, propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by yeas and nays and entered in full on the journals. The proposed amendments shall be published with the laws of that session, and also shall be published weekly in some newspaper, if such there be, within each county in the State, for four consecutive weeks next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. If a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendments, the

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same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

Sec. 3. The General Assembly may at any time authorize, by law, a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a convention, on a day not less than three and within six months after that on which the said question shall have been voted on. At such election each Senatorial district shall elect two delegates for each Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a State Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a convention, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty days nor more than six months after that on which it shall have been adopted by the convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than in this section specified, to authorize a convention for revising and amending the Constitution.

*[Here followed a schedule providing for putting in operation this Constitution. It is omitted.]*

Done in Convention, at the Capitol, in the City of Jefferson, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-five, and of the Independence of the United States the one hundredth.

WALDO P. JOHNSON, President, St. Clair County.  
 N. W. WATKINS, Vice-President, Scott County.  
 G. N. NOLAN, Secretary.

Attest: J. BOYLE ADAMS, Assistant Secretary.

## COURTS OF APPEALS

## AMENDMENT TO THE CONSTITUTION

ADOPTED BY THE PEOPLE AT THE GENERAL ELECTION,  
NOVEMBER, 1884

- 281** Section 1. The jurisdiction of the St. Louis Court of Appeals is hereby extended so as to be coextensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Warren, St. Charles, St. Louis, Jefferson, St. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. François, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Douglas, Wright, Laclède, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, and McDonald, as well as the city of St. Louis; and each judge thereof, when hereafter elected, shall be elected by the qualified voters of the counties and of the city under the jurisdiction of said court, and shall be a resident of the said territorial appellate district.
- 282** Sec. 2. There is hereby established at Kansas City an appellate court, to be known as the Kansas City Court of Appeals, the jurisdiction of which shall be coextensive with all the counties in the State except those embraced in the jurisdiction of the St. Louis Court of Appeals. There shall be held in each year two terms of said Kansas City Court of Appeals, one on the first Monday of March and one on the first Monday of October. The Kansas City Court of Appeals shall consist of three judges, who shall be elected by the qualified voters of the counties under the jurisdiction of said court, and shall be residents of said territorial appellate district.
- 283** Sec. 3. The General Assembly shall have power by law to create one additional court of appeals, with a new district therefor; to change the limits of the appellate districts, and the names of the courts of appeals, designating the districts by numbers or otherwise; to change the time of holding the terms of said courts; to increase or diminish the pecuniary limit of the jurisdiction of the courts of appeals; to provide for the transfer of cases from one court of appeals to another court of appeals; to provide for the transfer of cases from a court of appeals to the Supreme Court, and to provide for the hearing and determination of such cases by the courts to which they may be transferred.
- 284** Sec. 4. The first term of said Kansas City Court of Appeals shall be held on the first Monday of March in the year 1885, and the first judges thereof shall, upon the adoption of this amendment, be appointed by the Governor of said State for the term of four years each, beginning on the first day of January, 1885, and at the general election in the year 1888, the first election for the judges of said



- court shall be held, and the provisions of the Constitution of the State concerning the organization, the judges, the powers, the jurisdiction and proceedings of the St. Louis Court of Appeals as herein amended, shall in all appropriate respects apply to the Kansas City Court of Appeals, and to such additional court of appeals as may be by law created.
- 285** Sec. 5. In all causes or proceedings reviewable by the Supreme Court, writs of error shall run from the Supreme Court directly to the circuit courts and to courts having the jurisdiction pertaining to circuit courts, and in all such causes or proceedings, appeals shall lie from such trial courts directly to the Supreme Court, and the Supreme Court shall have exclusive jurisdiction of such writs of error and appeals, and shall in all such cases exclusively exercise superintending control over such trial courts.
- 286** Sec. 6. When any one of said courts of appeals shall in any cause or proceeding render a decision which any one of the judges therein sitting shall deem contrary to any previous decision of any one of said courts of appeals, or of the Supreme Court, the said court of appeals must, of its own motion, pending the same term and not afterward, certify and transfer said cause or proceeding and the original transcript therein to the Supreme Court, and thereupon the Supreme Court must rehear and determine said cause or proceeding, as in case of jurisdiction obtained by ordinary appellate process; and the last previous rulings of the Supreme Court on any question of law or equity shall, in all cases, be controlling authority in said courts of appeals.
- 287** Sec. 7. All cases which may be pending in the Supreme Court at the time of the adoption of this amendment, which have not been submitted, and which by its terms would come within the territorial appellate jurisdiction of the Kansas City Court of Appeals, shall be certified and transferred to such court to be heard and determined by it.
- 288** Sec. 8. The Supreme Court shall have superintending control over the courts of appeals by mandamus, prohibition, and *certiorari*.
- 289** Sec. 9. The State shall provide a suitable court-room at Kansas City, in which the Kansas City Court of Appeals shall hold its sessions; also a clerk's office and furnished offices for the judges.
- 290** Sec. 10. The judges of the Kansas City Court of Appeals, and of such additional court of appeals as may be created by law, shall each annually receive a salary of three thousand five hundred dollars per annum, which, together with the entire salaries of the judges of the St. Louis Court of Appeals, shall be paid out of the State treasury, as the salaries of the judges of the Supreme Court are now paid, unless otherwise provided by law.
- 291** Sec. 11. All provisions of the Constitution of this State, and all laws of this State which are inconsistent with this amendment, shall, so far as inconsistent, upon its adoption, be forever rescinded and of no effect.

## THE SUPREME COURT

## AMENDMENT TO THE CONSTITUTION

ADOPTED BY THE PEOPLE AT THE ELECTION OF NOVEMBER, 1890.

- 292** Section 1. The Supreme Court shall consist of seven judges, and, after the first Monday in January, 1891, shall be divided into two divisions, as follows: One division to consist of four judges of the court and to be known as division number one, the other to consist of the remaining judges and to be known as division number two. The divisions shall sit separately for the hearing and disposition of causes and matters pertaining thereto, and shall have concurrent jurisdiction of all matters and causes in the Supreme Court, except that division number two shall have exclusive cognizance of all criminal cases pending in said court: *Provided*, that a cause therein may be transferred to the court as provided in section four of this amendment. The division of business of which said divisions have concurrent jurisdiction shall be made as the Supreme Court may determine. A majority of the judges of a division shall constitute a quorum thereof; and all orders, judgments, and decrees of either division, as to causes and matters pending before it, shall have the force and effect of those of the court.
- 293** Sec. 2. Upon the adoption of this amendment the Governor shall appoint two additional judges of the Supreme Court, who shall hold their offices until the first Monday in January, 1893; and at the general election in the year 1892 their successors shall be elected, who shall hold their offices for the term of ten years, as other judges of the Supreme Court. The two judges appointed by the Governor, together with the judge elected at the general election in the year 1890, shall constitute division number two, and the remaining judges shall constitute division number one. The court shall elect its Chief Justice, and each division a presiding judge thereof.
- 294** Sec. 3. The Supreme Court shall assign to each division the causes and matters to be heard by it, of which assignment due public notice shall be given; and all laws relating to practice in the Supreme Court, as well as the rules of the Supreme Court, shall apply to each division so far as they may be applicable thereto. The opinion of each division shall be in writing, and shall be filed in the causes in which they shall be respectively made during the term at which the cause is submitted, and such opinions shall be a part of the records of the Supreme Court. Each division shall have authority to issue the original writs and exercise the powers enumerated in section three of article six of the Constitution.
- 295** Sec. 4. When the judges of a division are equally divided in opinion in a cause, or when a judge of a division dissents from the opinion therein, or when a Federal question is involved, the cause, on the application of the losing party, shall be transferred to the

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court for its decision; or when a decision in which a cause is pending shall so order, the cause shall be transferred to the court for its decision.

296 Sec. 5. Whenever in the opinion of the Supreme Court the state of its docket with reference to the speedy disposition of the business of the court will justify dispensing with the divisions hereinbefore provided, the court shall dispense therewith, and the court shall thereafter hear and determine all causes pending in it: *Provided*, however, that the court shall have the power to again divide itself into two divisions in like manner and with like power and effect as hereinbefore provided, whenever in the opinion of six judges thereof, entered of record, the condition of its docket with reference to the speedy disposition of the business of the court shall so require; and in such division the four judges oldest in commission shall constitute division number one, and the remaining judges division number two.

297 Sec. 6. All provisions of the Constitution of the State, and all laws thereof not consistent with this amendment, shall, upon its adoption, be forever rescinded and of no effect.



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