Constitution of the State of Idaho

Preamble.

We, the people of the State of Idaho, grateful to Almighty God for our freedom, to secure its blessings & promote our common welfare do establish this Constitution.

Article I
Declaration of Rights.

Section 1. All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.

Sec. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked or repealed by the Legislature.

Sec. 3. The State of Idaho is an in-

separable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the State; nor to permit any person, organization or association to directly or indirectly aid or abet, counsel or advise any person to commit the crime of bigamy or polygamy, or any other crime. No person shall

be required to attend or support any ministry or place of worship, religious sect or denomination or pay tithes, against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the State, and the Legislature shall provide by law for the punishment of such crimes.

Sec. 5. The Privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

Sec. 6. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be

required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 7. The right of trial by jury shall remain inviolate; but in civil actions, three-fourths of the jury may render a verdict, and the Legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court; and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve or of any number less than twelve, upon which the parties may agree in open court.

Sec. 8. No person shall be held to answer for any felony or criminal offense of any grade, unless on Presentment or indictment of a grand jury or an information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger; Provided, that a grand jury may be summoned upon the order of the district court in the manner provided by law, and provided further, that after a charge has been ignored by a grand jury, no person shall be held to answer, or for trial therefor, upon information of the public prosecutor.

Sec. 9. Every person may freely speak, write and publish, on all sub-

jects, being responsible for the abuse of that liberty.

Sec. 10. The people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the legislature for the redress of grievances.

Sec. 11. The people have the right to bear arms for their security and defense; but the legislature shall regulate the exercise of this right by law.

Sec. 12. The military shall be subordinate to the civil power, and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war, except in the manner prescribed by law.

Sec. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

Sec. 14. The necessary use of lands for the construction of reservoirs, or storage basins, for the purpose of irrigation, or for rights-of-way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the

working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the State, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the State.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Sec. 15. There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 16. No bill of attainder, ex post

ffacto law, or law impairing the obligation of contracts shall ever be passed.

Sec. 17. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause shown, by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Sec. 18. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay or prejudice.

Sec. 19. No power, civil or military,

shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

Sec. 20. No property qualification shall ever be required for any person to vote or hold office, except in school elections or elections creating indebtedness.

Sec. 21. This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

Article II.
Distribution of Powers.

Section 1. The powers of the government of this State are divided into three distinct departments; The legislative, executive, and judicial, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

Article III.

Legislative Department.

Section 1. The legislative power of the State, shall be vested in a Senate and House of Representatives. The enacting clause of every bill shall be as follows: "Be it enacted by the legislature of the State of Idaho"

Amended, 1912 S.J.R. #12. S.J.R. #13. Referendum + Initiative. See original copies of Resolutions.

Sec. 2. The senate shall consist of eighteen members, and the house of representatives of thirty-six members. The legislature may increase the number of senators and representatives, provided the number of senators shall never exceed twenty-four, and the house of representatives shall never exceed sixty members. The senators and representatives shall be chosen by the electors of the respective counties, or districts into which the State may from time to time

Amended, 1912 H.J.R. #13 See amended copy.

be divided by law.

Sec. 3. The senators and representatives shall be elected for the term of two years, from and after the first day of December next following the general election.

Sec. 4. The members of the first legislature shall be apportioned to the several legislative districts of the State in proportion to the number of votes polled at the last general election for delegate to Congress, and thereafter to be apportioned as may be provided by law: Provided, each county shall be entitled to one representative.

Sec. 5. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous

counties, and no county shall be divided in creating such districts.

Sec. 6. No person shall be a Senator or representative who, at the time of his election, is not a citizen of the United States, and an elector of this State, nor any one who has not been for one year next preceding his election an elector of the county or district whence he may be chosen.

Sec. 7. Senators and representatives in all cases, except for treason, felony, or breach of the peace, shall be privileged from arrest during the session of the legislature, and in going to and returning from the same, and shall not be liable to any civil process during the session of the legislature, nor during the ten days next before the commencement thereof; nor shall a member for any words uttered

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in debate in either house, be questioned in any other place.

Sec. 8. The sessions of the legislature shall, after the first session thereof, be held biennially at the capital of the State, commencing on the first Monday after the first day of January and every second year thereafter, unless a different day shall have been appointed by law, and at other times when convened by the Governor.

Sec. 9. Each house when assembled, shall choose its own officers; judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without

the Commencement of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Sec. 10. A majority 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 such house may Provide.

A quorum being in attendance, if either house fail to effect an organization within the first four Days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said four days until an organization shall have been effected.

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Sec. 11. Each house may, for good cause shown, with the concurrence of two-thirds of all the members, expel a member.

Sec. 12. The business of each house, and of the committees of the whole shall be transacted openly and not in secret session.

Sec. 13. Each house shall keep a journal of its proceedings; and the yeas and nays of the members of either house on any question shall at the request of any three members present, be entered on the journal.

Sec. 14. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of

representatives.

Sec. 15. No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same shall have been read on three several days, in each house, previous to the final vote thereon.

Provided, in case of urgency, two-thirds of the house where such bill may be pending, may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills, they shall be read at length, section by section, and the vote shall be by yeas and nays upon each bill separately, and

shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

Sec. 16. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

Sec. 17. Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

Sec. 18. No act shall be revised

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or amended by mere reference to its title, but the section as amended, shall be set forth and published at full length.

Sec. 19. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say;

Regulating the jurisdiction and duties of justices of the peace and constables.

For the punishment of crimes and misdemeanors.

Regulating the practice of the courts of justice.

Providing for a change of venue in civil or criminal actions.

Granting divorces.

Changing the names of persons or places.

Authorizing the laying out, opening, altering, maintaining, working or

or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, or any public grounds not owned by the State:

Summoning and impanneling grand and trial juries, and providing for their compensation.

Regulating county and township business, or the election of county and township officers.

For the assessment and collection of taxes.

Providing for and conducting elections, or designating the place of voting.

Affecting estates of deceased persons, minors or other persons under legal disabilities.

Extending the time for collection of taxes.

Giving effect to invalid deeds, leases or other instruments.

Refunding money paid into

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the State treasury.

Releasing or extinguishing, in whole or in part, the indebtedness, liability and obligation of any person or corporation in this State, or any municipal corporation therein.

Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

Legalizing, as against the State, the unauthorized or invalid act of any officer.

Exempting property from taxation.

Changing county-seats, unless the law authorizing the change, shall require that two-thirds of the legal votes cast at a general or special election, shall designate the place to which the county seat shall be changed; Provided,

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that the power to pass a special law shall cease, as long as the legislature shall provide for such change by general law; Provided, further, that no special law shall be passed for any one county oftener than once in six years.

Restoring to citizenship persons convicted of infamous crimes.

Regulating the interest on money.

Authorizing the creation, extension or impairing of liens.

Chartering or licensing ferries, bridges or roads.

Remitting fines, penalties or forfeitures.

Providing for the management of common schools.

Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election districts or school districts,

except as in this Constitution otherwise Provided.

Changing the law of descent or succession.

Authorizing the adoption or legitimization of children.

For limitation of civil or criminal actions.

Creating any corporation.

Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

Sec. 20. The legislature shall not authorize any lottery or gift enterprise, under any pretense or for any purpose whatever.

Sec. 21. All bills or joint resolutions passed shall be signed by the presiding officers of the respective

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houses.

Sec. 22. No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

Sec. 23. Each member of the legislature shall receive for his services, a sum not exceeding five dollars per day, from the commencement of the session; but such pay shall not exceed, for each member, except the presiding officers, in the aggregate, three hundred dollars for per diem allowances for any one session; and shall receive each the sum of ten cents per mile each way, by the usual traveled route.

When convened in extra session

by the Governor, they shall each receive five dollars per day; but no extra session shall continue for a longer period than twenty days, except in case of the first session of the legislature. They shall receive such mileage as is allowed for regular sessions.

The presiding officers of the legislature shall each, in virtue of his office, receive an additional compensation equal to one-half his per diem allowance as a member; Provided that whenever any member of the legislature shall travel on a free pass in coming to or returning from a session of the legislature, the number of miles actually traveled on such pass shall be deducted from the mileage of such member.

Sec. 24. The first concern of all

good government is the virtue and sobriety of the people, and the purity of the home. The legislature should further all wise and well-directed efforts for the promotion of temperance and morality.

Sec. 25. The members of the legislature shall, before they enter upon the duties of their respective offices, take and subscribe the following oath and affirmation: "I do solemnly swear, (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability" And such oath may be administered by the Governor, Secretary of State,

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or Judge of the Supreme Court, or presiding officer of either house

Sec. 26 added, 1916
S.J.R. 1, 1915
See enrolled copy

Article IV.
Executive Department.

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 Instruction, each of whom shall hold his office for two years, beginning on the first Monday in January next after his election, except as otherwise provided in this Constitution. The officers of the Executive Department, excepting the Lieutenant-Governor, shall, during their terms of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.

Sec. 2. The officers named in section one of this Article shall be elected by the qualified electors of the State at the time and places of voting for members of the legislature, and the persons, respectively, having the highest number of votes for the office voted for, shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the legislature at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of election for the officers named in section one shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as may be prescribed by law.

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Sec. 3. No Person shall be eligible to the office of Governor or Lieutenant-Governor, unless he shall have attained the age of thirty years at the time of his election; nor to the office of Secretary of State, State Auditor, Superintendent of Public Instruction, or State Treasurer, unless he shall have attained the age of twenty-five years; nor to the office of Attorney-General unless he shall have attained the age of thirty years, and have been admitted to practice in the Supreme Court of the State or Territory of Idaho and be in good standing at the time of his election. In addition to the qualifications above described, each of the officers named shall be a citizen of the United States and shall have resided within the State or Territory two years next pre-

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ceding his election.

Sec. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

Sec. 5. The supreme executive power of the State is vested in the Governor, who shall see that the laws are faithfully executed.

Sec. 6. The Governor shall nominate and, by and with the consent of the senate, appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment, or election is not other-

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wise provided for. If during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of a justice of the supreme or district court, Secretary of State, State Auditor, State Treasurer, Attorney General, or Superintendent of Public Instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected & qualified in such manner as may be provided by law.

Sec. 7. The Governor, Secretary

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of State, and Attorney-General shall constitute a Board to be known as the Board of Pardons. Said Board or a majority thereof, shall have power to remit fines and forfeitures, and to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as they may impose in all cases of offenses against the State except treason or conviction on impeachment. The legislature shall by law prescribe the sessions of said Board and the manner in which application shall be made, and regulate proceedings thereon; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said Board, after a full hearing in open session, and until previous notice of the time and place of

such hearing and the release applied for, shall have been given by publication in some newspaper of general circulation, at least once a week for four weeks. The proceedings and decision of the Board shall be reduced to writing and, with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the Secretary of State. The Governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the State, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the Board of Pardons; and such Board shall at such session continue or determine such

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respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason, the Governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the legislature, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, or reprieve, with the reasons for

granting the same, and the objections, if any, of any member of the Board made thereto.

Sec. 8 The Governor may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions, and may, at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution.

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The Governor shall, at the commencement of each session, and from time to time, by message, give to the legislature, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the legislature a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

Sec. 9. The Governor may, on extraordinary occasions, convene the legislature by proclamation, stating the purposes for which he has convened it; but when so convened, it shall have no power

to legislate on any subjects other than those specified in the proclamation; but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

Sec. 10. Every bill passed by the legislature, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections, to the house in which it originated, which house shall enter the objections at large upon its journals and proceed to reconsider the bill. If then two-

thirds of the members present agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of the members present in that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal.

Any bill which shall not be returned by the Governor to the legislature within five days (Sundays excepted) after it shall have been presented to him, shall become a law in like manner as if he had signed it, unless the legislature shall, by adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of

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the Secretary of State within ten days after such adjournment (Sundays excepted) as become a law.

Sec. 11. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law; and the item or items disapproved shall be void, unless enacted in the manner following: If the legislature be in session, he shall within five days, transmit to the house within which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is

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prescribed for the passage of bills over the Executive veto.

Sec. 12. In case of the failure to qualify, the impeachment, or conviction of treason, felony, or other infamous crime, of the Governor, or his death, removal from office, resignation, absence from the State, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall cease, shall devolve upon the Lieutenant-Governor.

Sec. 13. The Lieutenant-Governor shall be President of the Senate, but shall vote only when the Senate is equally divided. In case of the absence or disqualification of the

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Lieutenant-Governor from any cause which applies to the Governor, or when he shall hold the office of Governor, then the President pro tempore of the Senate shall perform the duties of the Lieutenant-Governor, until the vacancy is filled or the disability removed.

Sec. 14. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of treason, felony or other infamous crime, or disqualification from any cause, of both Governor and Lieutenant-Governor, the duties of the Governor shall devolve upon the President of the Senate pro tempore, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy filled; 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.

Sec. 15 There shall be a seal of this State, which shall be kept by the Secretary of State, and used by him officially, and shall be called, "The Great Seal of the State of Idaho." The seal of the Territory of Idaho as now used, shall be the seal of the State until otherwise provided by law.

Sec. 16. All grants and permissions shall be in the name and by the authority of the State of Idaho, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secre-

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tary of State.

Sec. 17. An account shall be kept by the officers of the Executive Department and of all public institutions of the State of all moneys received by them severally, from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath; they shall also, at least twenty days preceding each regular session of the legislature, make full and complete reports of their official transactions, to the Governor, who shall transmit the same to the legislature.

Sec. 18. The Governor, Secretary of State, and Attorney General shall constitute a Board of State Prison

Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be prescribed by law. They shall also constitute a Board of Examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the State, except salaries and compensation of officers fixed by law, shall be passed upon by the legislature without first having been considered and acted upon by said Board.

Sec. 19. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Instruction, shall, quarterly as due, during

Amended, 1928
H.J.R. #3, 427
See enrolled copy

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their continuance in office, receive for their services compensation, which, for the term next ensuing after the adoption of this Constitution, is fixed as follows: Governor, three thousand dollars per annum; Secretary of State, one thousand eight hundred dollars per annum; State Auditor, one thousand eight hundred dollars per annum; State Treasurer, one thousand dollars per annum; Attorney General two thousand dollars per annum; and Superintendent of Public Instruction, one thousand five hundred dollars per annum. The Lieutenant-Governor shall receive the same per diem as may be provided by law for the Speaker of the House of Representatives, to be allowed only during the sessions of the legislature. The compensations enumerated shall be in full for all

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services by said officers respectively, rendered in any official capacity or employment whatever during their respective terms of office. No officer named in this section shall receive, for the performance of any official duty, any fee for his own use; but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance, and deposited with the State Treasurer quarterly to the credit of the State. The legislature may by law, diminish or increase the compensation of any or all of the officers named in this section, but no such diminution or increase, shall effect the salaries of the officers then in office during their term; Provided, however, the legislature may provide for the payment of actual and necessary expenses to the Governor,

Lieutenant-Governor, Secretary of State, Attorney-General, and Superintendent of Public Instruction, while traveling within the State in the performance of official duty.

Article V.
Judicial Department.

Section 1. The distinctions between actions at law, and suits in equity, and the forms of all such actions, and suits, are hereby prohibited; and there shall be in this State but one form of action for the enforcement and protection of private rights, and the redress of private wrongs; which shall be denominated a civil action; and every action prosecuted by the People of the State as a party, against a Person charged with a Public offense, for the Punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of Court before a jury.

Sec. 2. The judicial power of the State shall be vested in a Court for the trial of impeachments, a Supreme Court, District Courts, Probate Courts, Courts of Justices of the Peace, and such other Courts, inferior to the Supreme Court, as may be established by law, for any incorporated city or town.

Sec. 3. The Court for the trial of impeachments shall be the Senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Sec. 4. The House of Representatives solely, shall have the

power of impeachment. No person shall be convicted without the concurrence of two-thirds of the Senators elected. When the Governor is impeached, the Chief Justice shall preside.

Sec. 5. Treason against the State shall consist only, in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court. No conviction of treason or attainder, shall work corruption of blood or forfeiture of estate.

Sec. 6. The Supreme Court shall consist of three Justices, a majority of whom shall be necessary to

Amended, 1910 + 1920
S.J.R. 1909
H.J.R. 6, 1919

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make a quorum and pronounce a decision. The Justices of the Supreme Court shall be elected by the electors of the State at large. The terms of office of the Justices of the Supreme Court, except as in this Article otherwise provided, shall be six years. The Justices of the Supreme Court shall, immediately after the first election under this Constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the Justices of the Supreme Court, who shall, for that purpose, assemble at the seat of government, and they shall cause the result thereof to be certified to by the Secretary of State, and filed in his office. The Justice

having the shortest term to serve, not holding his office by appointment, or election to fill a vacancy, shall be the Chief Justice, and shall preside at all terms of the Supreme Court; and, in case of his absence, the Justice having in like manner the next shortest term to serve, shall preside in his stead.

Sec. 7. No Justice of the Supreme Court shall be eligible to any other office of trust or profit, under the laws of this State during the term for which he was elected.

Sec. 8. At least four terms of the Supreme Court shall be held annually; two terms at the seat of State government, and two terms at the city of Lewiston, in Nez Perce County. In case

of epidemics, pestilence, or destruction of Court Houses, the Justices may hold the terms of the Supreme Court provided by this section, at other convenient Places, to be fixed by a majority of said Justices. After six years, the legislature may alter the provisions of this section.

Sec. 9. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the District Courts, or the judges thereof. The Supreme Court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus; and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

Amended 1920
H.J.R. #8, 1919.

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Sec. 10. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the legislature for its action.

Sec. 11. The State shall be divided into five judicial districts, for each of which a judge shall be chosen by the qualified electors thereof, whose term of office shall be four years. And there shall be held a district court, in each county, at least twice in each year, to continue for such time in each county, as may be prescribed by law. But the legislature may reduce or increase

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the number of districts, District Judges and District Attorneys. This section shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.

Sec. 12. Every Judge of the District Court shall reside in the District for which he is elected. A Judge of any District Court may hold a District Court in any county at the request of the Judge of the District Court thereof, and, upon the request of the Governor, it shall be his duty to do so; but a cause in the District Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of

records and sworn to try the cause.

Sec. 13. The legislature shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the legislature shall provide a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme Court, so far as the same may be done without conflict with this Constitution.

Sec. 14. The legislature may provide for the establishment of special courts, for the trial of misdemeanors, in in=

corporated cities and towns, where the same may be necessary.

Sec. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office during the pleasure of the Court. He shall receive such compensation for his services as may be provided by law.

Sec. 16. A Clerk of the District Court for each County shall be elected by the qualified voters thereof at the time and in the manner prescribed by law for the election of members of the legislature, and shall hold his office for the term of four years.

Sec. 17. The salary of the Justices of the Supreme Court, until otherwise provided by the

legislature, shall be three thousand dollars each per annum, and the salary of the Judges of the District Court until otherwise provided by the legislature shall be three thousand dollars each per annum, and no Justice of the Supreme Court, or Judge of the District Court, shall be paid his salary, or any part thereof, unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had been finally submitted for his consideration and determination, thirty days prior to the taking and subscribing such oath.

Sec. 18. A District Attorney shall be elected for each Judicial District by the qualified electors

Amended 1938 N.V.R. No. 7, 1937

thereof, who shall hold office for the term of four years, and perform such duties as may be prescribed by law. He shall be a practicing attorney-at-law, and a resident and elector of the district. He shall receive as compensation for his services, twenty-five hundred dollars per annum.

Sec. 19. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled as provided by law.

Sec. 20. The District Court shall have original jurisdiction in all cases, both at Law and in equity, and such appellate jurisdiction as may be conferred by law.

Sec. 21. The Probate Courts shall

the Courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also, jurisdiction to hear & determine all civil cases wherein the debt or damage claimed, does not exceed the sum of five hundred dollars, exclusive of interest and concurrent jurisdiction with Justices of the Peace in criminal cases.

Sec. 22 In each county of this State there shall be elected Justices of the Peace as prescribed by law. Justices of the Peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars exclu-

mile of interest, nor where the boundaries or title to any real property shall be called in question.

Sec. 23. No person shall be eligible to the office of District Judge unless he be learned in the law, thirty years of age, and a citizen of the United States, and shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.

Sec. 24. Until otherwise provided by law, the Judicial Districts shall be five in number, and constituted of the following Counties, viz:

First District—Shoshone and

Kootenai.

Second District—Latah, Nez Perce, and Idaho.

Third District—Washington, Ada, Boise, and Owyhee.

Fourth District—Cassia, Elmore, Logan, and Alturas.

Fifth District—Bear Lake, Bingham, Oneida, Lemhi, and Custer.

Sec. 25. The Judges of the District Courts shall, on or before the first day of July in each year, report in writing to the Justices of the Supreme Court, such defects or omissions in the laws as their knowledge and experience may suggest, and the Justices of the Supreme Court shall, on or before the first day of December of each year, report in writing to the Governor, to be by him transmitted to the legislature, together

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with his message, such defects and omissions in the Constitution and laws as they may find to exist.

Sec. 26 All laws relating to courts shall be general and of uniform operation throughout the State, and the organized judicial powers, proceedings and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

Sec. 27. The legislature may by law diminish or increase the compensation of any or all of the following offices, to-wit: Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer,

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Attorney-General, Superintendent of Public Instruction, Commissioner of Immigration and Labor, Justices of the Supreme Court and Judges of the District Courts and District Attorneys; but no diminution or increase shall effect the compensation of the officer then in office during his term, provided, however, that the legislature may provide for the payment of actual and necessary expenses of the Governor, Secretary of State, Attorney-General and Superintendent of Public Instruction incurred while in performance of official duty.

Article VI

Suffrage and Elections

Section 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.

Sec. 2. Except as in this Article otherwise provided, every male citizen of the United States, twenty-one years old, who has actually resided in this State, or Territory, for six months, and in the County where he offers to vote, thirty days, next preceding the day of election, if registered as provided by law, is a qualified elector; and, until otherwise provided by the legislature, women who have the qualifications prescribed in this Article, may continue to hold such school offices and,

Amended 1896 S.J.R. #2, 1895

vote at such school elections, as pro-
vided by the laws of Idaho Territory.

Sec. 3. No person is permitted to
vote, serve as a juror, or hold any
civil office who is under guardian-
ship, idiotic or insane, or who has,
at any place, been convicted of treason,
felony, embezzlement of the public
funds, bartering or selling, or offering
to barter or sell his vote, or purchasing,
or offering to purchase the vote of
another, or other infamous crime, and
who has not been restored to the
rights of citizenship, or who at the
time of such election is confined in
prison on conviction of a criminal
offense, or who is a bigamist or
polygamist, or is living in what
is known as patriarchal, plural or
celestial marriage, or in violation
of any law of this State, or of the

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United States, forbidding any such crime; or who in any manner teaches, advises, counsels, aids or encourages any Person to enter into bigamy, Polygamy, or such Patriarchal, Plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of, or contributes to the support, aid, or encouragement of, any order, organization, association, corporation, or society, which teaches, advises, counsels, encourages or aids any Person to enter into bigamy, Polygamy or such Patriarchal or Plural marriage, or which teaches or advises that the laws of this State Prescribing rules of civil conduct, are not the supreme law of the State; nor shall Chinese or Persons of Mongolian descent not born in the United States, nor Indians not taxed, who have not severed their tribal

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relations & adopted the habits of civilization, either wrote, serve as jurors, or hold any civil office.

Sec. 4. The legislature may prescribe qualifications, limitations and conditions for the right of suffrage, additional to those prescribed in this Article, but shall never annul any of the provisions in this Article contained.

Sec. 5. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State or of the United States, nor while a student of any

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institution of learning, nor while kept at any alms-house or other asylum at the public expense.

Section 6 added, 1912
H. V. R. 19, 1911.

Article VII.

Finance and Revenue.

Section 1. The fiscal year shall commence on the second Monday of January in each year, unless otherwise provided by law.

Sec. 2. The legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property, except as in this Article hereinafter otherwise provided. The legislature may also impose a license tax, (both upon natural persons & upon corporations, other than municipal, doing business in this State); also a poll tax. Provided, the legislature

may exempt a limited amount of improvements upon land, from taxation.

Sec. 3. The word "property" as herein used, shall be defined & classified by law.

Sec. 4. The property of the United States, the State, counties, towns, cities, & other municipal corporations & public libraries, shall be exempt from taxation.

Sec. 5. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied & collected under general laws, which shall prescribe such regulations

as shall secure a just valuation for taxation of all property, real and personal, Provided, that the legislature may allow such exemptions from taxation from time to time as shall seem necessary and just, and all existing exemptions provided by the laws of the Territory, shall continue until changed by the legislature of the State, Provided further, that duplicate taxation of property for the same purpose during the same year, is hereby prohibited.

Sec. 6. The legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may by law invest in the corporate authorities thereof, respectively, the power to

assess and collect taxes for all purposes of such corporation.

Sec. 7. All taxes levied for State purposes shall be paid into the State treasury, and no county, city, town, or other municipal corporation, the inhabitants thereof, or the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

Sec. 8. The power to tax corporations or corporate property, both real and personal, shall never be relinquished or suspended, and all corporations in this State or doing business therein, shall be subject to taxation for State, county, school, municipal, and other

purposes, on real & personal property owned or used by them, & not by this Institution exempted from taxation within the Territorial limits of the authority levying the tax.

Sec. 9. The rate of taxation of real & personal property for State purposes, shall never exceed ten (10) mills on each dollar of assessed valuation; & if the taxable property in the State shall amount to fifty million ($50,000,000) dollars the rate shall not exceed five (5) mills on each dollar of valuation; & whenever the taxable property in the State shall amount to one hundred million ($100,000,000) dollars, the rate shall not exceed three (3) mills on each

Amended, 1906 S.L.R #6, 1905

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dollar of valuation; "and" whenever the taxable property in the State shall amount to three hundred million ($300,000,000) dollars the rate shall never thereafter exceed one "and" one-half (1½) mills on each dollar of valuation, unless a proposition to increase such rate, specifying the rate proposed "and" the time during which the same shall be levied, shall have been submitted to the people at a general election, "and" shall have received a majority of all the votes cast for "and" against it at such election.

Sec. 10. The making of profit, directly or indirectly, out of the State, county, city, town, township 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.

Sec. 11. No appropriation shall be made nor any expenditure authorized by the legislature, whereby the expenditure of the State, during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the legislature making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in Section nine (9) of this Article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations

and expenditures, to suppress insurrection, defend the State, and assist in defending the United States in time of war.

Sec. 17. There shall be a State Board of Equalization, consisting of the Governor, Secretary of State, Attorney-General, State Auditor, and State Treasurer, whose duties shall be prescribed by law. The Board of County Commissioners for the several counties of the State, shall constitute Boards of Equalization for their respective Counties, whose duty it shall be to equalize the valuation of the taxable property in the County, under such rules and regulations as shall be prescribed by law.

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Sec. 13. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

Sec. 14. No money shall be drawn from the county treasuries except upon the warrant of a duly authorized officer, in such manner and form as shall be prescribed by the legislature.

Sec. 15. The legislature shall provide by law, such a system of county finance, as shall cause the business of the several counties to be conducted on a cash basis. It shall also provide that whenever any county shall have any warrants outstanding and unpaid, for the payment of which there

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are no funds in the country treasury, the county commissioners, in addition to other taxes provided by law, shall levy a special tax not to exceed ten (10) mills on the dollar, of taxable property as shown by the last preceding assessment, for the creation of a special funds for the redemption of said warrants; and after the levy of such special tax, all warrants issued before such levy, shall be paid exclusively out of said funds. All moneys in the country treasury at the end of each fiscal year, not needed for current expenses, shall be transferred to said redemption funds.

Sec. 16. The legislature shall pass all laws necessary to carry

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out the provisions of this Article.

Article VIII.

Public Indebtedness and Subsidies.

Section 1. The legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, exclusive of the debt of the Territory at the date of its admission as a State, exceed the sum of one and one-half per centum upon the assessed value of the taxable property in the State, except in case of war, to repel an invasion or suppress insurrection, unless the same shall be authorized by law, for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability, as it falls due; and also for the payment and discharge of the

Amended 1912 S.L.R. #16, 1911

principal of such debt or liability, within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which

it is submitted to the people. The legislature may, at any time after the approval of such law, by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

Sec. 2. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association, municipality or corporation; nor shall the State directly or indirectly, become a stockholder in any association or corporation.

Amended 1920 Nov. 2. #13, 1917

Sec. 3. No county, city, town, township, board of education, or school district, or other subdivision of the State, shall incur any indebtedness, or liability, in any manner, or for any purpose,

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exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made 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 the payment of the principal thereof, within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. Provided that this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the State.

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Sec. 4 No county, city, town, township, board of education, or school district, or other sub-division, shall lend, or pledge the credit or faith thereof, directly or indirectly, in any manner, to, or in aid of, any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for or any debt, contract or liability of any individual, association or corporation in or out of this State.

Article IX.

Education & School Lands.

Section 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform & thorough system of public, free common schools.

Amended, 1912. H.J.R. #20, 1911

Sec. 2. The general supervision of the public schools of the State shall be vested in a board of education, whose powers & duties shall be prescribed by law; the superintendent of public instruction, the secretary of state, and attorney-general, shall constitute the board of which the superintendent of

Public instruction shall be President.

Sec. 3. The Public school fund of the State shall forever remain inviolate & intact; the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed among the several Counties & school districts of the State in such manner as may be prescribed by law. No part of this fund, Principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The state treasurer shall be the custodian of this fund, and the same shall be securely & profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

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Sec. 4. The public school funds of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted to the State by the general Government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the General Government; and of all other grants of land or money made to the State from the General Government for general educational purposes, or where no other special purpose is indicated in such grant; all estates or distributive shares of estates that may escheat to the State; all unclaimed shares of dividends of any corporation incorporated under the laws of the

State; and all other grants, gifts, devises and bequests made to the State for general educational purposes.

Sec. 5. Neither the legislature nor any County, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund or money whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation

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of land, money or other personal property ever be made by the State or any such Public Corporation, to any Church or for any sectarian or religious purpose.

Sec. 6. No religious test or qualification shall ever be required of any person as a condition of admission into any Public educational institution of the State, either as teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian or religious tenets or doctrines shall ever be taught in the Public schools, nor shall any distinction or

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classification of pupils be made an account of race or color. No books, papers, tracts or documents of a political, sectarian or denominational character shall be used or introduced in any schools established under the provisions of this Article, nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this Article.

Sec. 14. The governor, superintendent of public instruction, secretary of state, and attorney-general, shall constitute the state board of land commissioners, who,

Amended, 1910. H. V. A. #15, 1459

shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law.

Sec. 8. It shall be the duty of the State board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be granted to the State by the General Government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor; provided that no school lands shall be sold for less than ten ($10) dollars per acre. No law shall ever be passed

Amended, 1916
N.V.R. #3, 1915

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by the legislature, granting
any privileges to persons
who may have settled upon
any such public lands, subse-
quent to the survey thereof
by the General Government, by
which the amount to be derived
by the sale or other disposition
of such lands, shall be dimin-
ished, directly or indirectly. The
legislature shall at the earliest
practicable period, provide by
law, that the general grants
of land made by Congress to
the State, shall be judiciously
located & carefully preserved
& held in trust, subject to dis-
posal at public auction for
the use & benefit of the respective
objects for which said grants
of land were made, and the
legislature shall provide for
the sale of said lands from

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time to time and for the sale of timber on all State lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants; Provided, that not to exceed twenty-five sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed one hundred and sixty (160) acres to any one individual, company or corporation.

Sec. 9 The legislature may require by law, that every child of sufficient mental and physical ability, shall attend the public school throughout the period between the ages of six and eighteen years, for a

time equivalent to three years, unless educated by other means.

Sec. 10. The location of the University of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises and endowments, heretofore granted thereto by the Territory of Idaho are hereby perpetuated into the said university. The regents shall have the general supervision of the university, and the control and direction of all the funds of and appropriations to the university, under such regulations as may be prescribed by law. No university lands shall be sold for no less than ten dollars per acre, and in

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subdivisions not to exceed one hundred & sixty acres, to any one person, company or corporation.

Sec. 11. The permanent educational funds, other than funds arising from the disposition of university lands belonging to the State, shall be loaned on first mortgage on improved farm lands within the State, or on State or United States bonds, under such regulations as the legislature may provide; Provided, that no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings.

Article X.

Public Institutions.

Section 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

Sec. 2. The seat of government of the State of Idaho, shall be located at Boise City for twenty years from the admission of the State, after which time the legislature may provide for its re-location by submitting the question to a vote of the electors of the State at some general election

Sec. 3. The legislature may submit the question of the location of the seat of government to the qualified voters of the State at the general election, then next ensuing a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said legislature shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the State at the next general election.

Sec. 4. All property of institutions of the Territory,

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shall, upon the adoption of the Constitution become the property and institutions of the State of Idaho.

Sec. 5. The Governor, Secretary of State and Attorney-General shall constitute a Board to be known as the State Prison Commissioners and shall have the control, direction and management of the Penitentiaries of the State. The Governor shall be Chairman, and the Board shall appoint a warden, who may be removed at pleasure. The warden shall have the power to appoint his subordinates, subject to the approval of the said Board.

Sec. 6. There shall be appointed by the Governor, three directors of the asylum for the insane,

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who shall be confirmed by the Senate. They shall have the control, direction and management of the said asylums under such regulations as the legislature shall provide and hold their offices for a period of two years. The directors shall have the appointment of the medical superintendent who shall appoint the assistants with the approval of the directors.

Sec. 4. The legislature for sanitary reasons may cause the removal to more suitable localities of any of the institutions mentioned in section one of this Article.

Article XI

Corporations — Public and Private.

Section 1. All existing charters and grants of special and exclusive privileges, under which the corporators and grantees shall not have organized and commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

Sec. 2. No charter of incorporation shall be granted, extended, changed and amended by special law, except for such municipal, charitable, educational, penal, and reformatory corporations as are and may be, under the control of the State; but the legislature shall provide by general laws for the organization of corporations hereafter to

be created; Provided, that any such general law shall be subject to future repeal and alteration by the legislature.

Sec. 3. The legislature may provide by law for altering, revoking and annulling, any Charter of incorporation, existing and revokable at the time of the adaption of this Constitution, in such manner, however, that no injustice shall be done to the corporators

Sec. 4. The legislature shall provide by law that in all elections for directors and managers of incorporated companies, every stockholder shall have the right to vote in person and by proxy for the number of shares of stock owned by him, for as many persons as there are directors or managers

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to be elected, as to cumulate said shares, and give one candidate as many votes as the number of directors, multiplied by the number of his shares of stock, shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors shall not be elected in any other manner.

Sec. 5. All railroads shall be public highways, and all railroad, transportation and express companies shall be common carriers, and subject to legislative control, and the legislature shall have power to regulate and control by law, the rates of charges for the transportation of passengers and freight by such companies and other common car-

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riers, from one point to another in the State. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this State, and to connect within and at the State line, with railroads of other States and Territories. Every railroad company shall have the right with its road, to intersect, connect with, and cross any other railroad, under such regulations as may be prescribed by law, and upon making due compensation.

Sec. 6. All individuals, associations, and corporations, similarly situated, shall have equal rights to have persons and property transported on and over any railroad, transportation,

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or express route in this State, except that preference may be given to perishable property. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight or passengers of the same class, by any railroad, or transportation or express company, between persons or places within this State; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad, or transportation or express company shall be allowed to charge, collect or receive, under penalties which the legislature shall prescribe, any greater charge or toll for the transportation of freight or passengers, to any

place on station upon its route on line, than it charges for the transportation of the same class of freight on passengers to any more distant place on station upon its route on line within this State. No railroad, express, or transportation company, nor any lessee, managers, or other employee thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power, or for the transportation of money or other express matters.

Sec. 7. No corporation other than municipal corporations in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without

first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

Sec. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the police powers of the State shall never be abridged, nor 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.

Sec. 9. No corporation shall

issue stocks and bonds, except for labor done, services performed, and money or property actually received; and all fictitious increase of stock and indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting, held after at least thirty days notice given in pursuance of law.

Sec. 10. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and no

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company or corporation formed under the laws of any other country, State or Territory, shall have or be allowed to exercise or enjoy, within this State, any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of this State.

Sec. 11. No street, or other rail-road, shall be constructed within any city, town, or incorporated village, without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

Sec. 12. The legislature shall pass no laws for the benefit of a

railroad, or other corporation, or any individual, or association of individuals retroactive in its operation, or which imposes on the people of any county or municipal sub-division of the State, a new liability in respect to transactions or considerations already past.

Sec. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the legislature shall by general law, of uniform operation, provide reasonable regulations to give full effect to this section.

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Sec. 14. If any railroad, telegraph, express, or other corporation, organized under any of the laws of this State, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation, organized under any of the laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters that may arise, as if said consolidation had not taken place.

Sec. 15. The legislature shall not pass any law permitting the leasing or alienation of any franchise so as to release or

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relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

Sec. 16. The term "Corporation" as used in this Article, shall be held to be construed to include all associations and joint stock companies, having and exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

Sec. 17. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholders be individually liable in any amount over and above the

amount of stock owned by him.

Sec. 18. That no incorporated company or any association of persons or stock company, in the State of Idaho, shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people; and that the legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of

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their property & franchises.

Article XII.
Corporations—Municipal.

Section 1. The legislature shall provide by general laws for the incorporation, organization & classification of the cities and towns in proportion to the population, which laws may be altered, amended and repealed by the general laws. Cities & towns heretofore incorporated, may become organized under such general laws, whenever a majority of the electors at a general election, shall so determine, under such provision therefor as may be made by the legislature.

Sec. 2 Any county, or incorporated city or town may make and enforce, within its

limits, all such local police, sanitary and other regulations as are not in conflict with its charter and with the general laws

Sec. 3. The State shall never assume the debts of any County, town and other municipal corporation, unless such debts shall have been created to repel invasion, suppress insurrection and defend the State in War.

Sec. 4. No county, town, city and other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in any joint stock company, corporation and association whatever, and raise money for, and make donation and loan

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its credit to, or in aid of, any such company or associations: Provided, that cities & towns may contract indebtedness for schools, waters, sanitary & illuminating purposes; provided, that any city or town contracting such indebtedness shall own its just proportion of the property thus created & receive from any income arising therefrom, its proportion to the whole amount so invested.

Article XIII.
Immigration and Labor.

Section 1. There shall be established a Bureau of Immigration, Labor and Statistics, which shall be under the charge of a Commissioner of Immigration, Labor and Statistics, who shall be appointed by the Governor, by and with the consent of the Senate. The Commissioner shall hold his office for two years, and until his successor shall have been appointed and qualified, unless sooner removed. The Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their

material, social, intellectual and moral prosperity. The Commissioner shall annually make a report in writing to the Governor of the State of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Bureau.

Sec. 2. Not more than eight (8) hours actual work shall constitute a lawful day's work on all State and Municipal works.

Amended 1902 H.V. R. #2, 811

Sec. 3. All labor of Convicts confined in the States Prison, shall be done within the prison grounds, except where the work is done on public works under the direct control of

the State.

Sec. 4. The employment of children under the age of fourteen (14) years in underground mines is prohibited.

Sec. 5. No person, not a citizen of the United States or who has not declared his intention to become such, shall be employed upon, or in connection with, any State or Municipal works.

Sec. 6. The legislature shall provide by proper legislation for giving to mechanics, laborers and material men an adequate lien on the subject matter of their labor.

Sec. 7. The legislature may

establish boards of arbitration whose duty it shall be to hear and determine all differences and controversies between labourers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving and during the sittings of the Board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

Sec. 8. The Commissioner of

Immigration, Labor and Statistics, shall perform such duties and receive such compensation, as may be prescribed by law.

Article XIV.
Militia.

Section 1. All able-bodied male persons residents of this State, between the ages of eighteen and forty-five years, shall be enrolled in the militia and perform such military duty, as may be required by law; but no person having conscientious scruples against bearing arms, shall be compelled to perform such duty in time of peace. Every person claiming such exemption from service, shall, in lieu thereof, pay into the school fund of the county of which he may be a resident, an equivalent in money; the amount and manner of payment to be fixed by law.

Sec. 2. The legislature shall provide by laws for the enrollment, equipment and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States, and pass such laws to promote volunteer organizations, as may afford them effectual encouragement.

Sec. 3. All militia officers shall be commissioned by the Governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.

Sec. 4. All military records, banners, and relics of the State,

except when in lawful use, shall be preserved in the office of the Adjutant-General, as an enduring memorial of the patriotism and valor of the soldiers of Idaho; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

Sec. 5. All military organizations under the laws of this State, shall carry no other device, banner or flag, than that of the United States or the State of Idaho.

Sec. 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this State for the suppression of domestic violence, except upon the application of the legislature,

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or the executive, when the legis-
lature cannot be convened.

Article XV.
Water-Rights.

Section 1. The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution; also of all waters originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a Public use, and subject to the regulation and control of the State in the manner Prescribed by law.

Sec. 2. The right to collect rates or compensation for the use of waters supplied to any County, city, or

town, as water district, as the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

Amended, 1928. N.V. R. #13, 1927

Sec. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the waters; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the waters for domestic purposes shall, (subject to such limitations as may be prescribed by law)

have the preference over those claiming for any other purpose. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water, for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in Sec. 14 of Article I of this Constitution

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Sec. 24. Whenever any waters have been, or shall be appropriated, or used, for agricultural purposes, under a sale, rental or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters, so dedicated, shall have once been sold, rented or distributed to any person who has settled upon, or improved land for agricultural purposes, with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors or assigns, shall not thereafter without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or

to irrigate the lands so settled upon and improved, upon payment therefor and compliance with such equitable terms and conditions as to the quantity used and times of use, as may be prescribed by law.

Sec. 5. Whenever more than one person has settled upon, and improved land with the view of receiving water for agricultural purposes, under a sale, rental and distribution thereof, as in the last preceding section of this Article, provided, as among such persons, priority in time shall give superiority of right to the use of such water in the numerical order of such settlements and

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improvements; but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used, & times of use, as the legislature, having due regard, both to such priority of right, & the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

Sec. 6. The legislature shall provide by law, the manner in which reasonable maximum rates may be established to be charged for the use of water, sold, rented, or distributed, for any useful

an beneficial Purpose.

Article XVI
Live Stock

Section 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleura pneumonia, glanders, splenatic, or Texas fever or other infectious or contagious diseases. The legislature may also establish a system of quarantine or inspection or such other regulations as may be necessary for the protection of stock owners or most conducive to the stock interest within this State

Article XVII
State Boundaries.

Section 1. The name of this State is Idaho, and its boundaries are as follows: Beginning at a point in the middle channel of the Snake river where the northern boundary of Oregon intersects the same; thence following down the channel of Snake river to a point opposite the mouth of the Kooskooskia or Clearwater river; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel to the thirty-ninth degree of longitude west of Washington; thence south, along that degree of longitude to the crest of the Bitter Root mountains; thence

southward along the crest of the Bitter Root mountains till its intersection with the Rocky mountains; thence southward along the crest of the Rocky mountains to the thirty-fourth degree of longitude West of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning.

Article XVIII

County Organization.

Section 1. The several counties of the Territory of Idaho, as they now exist, are hereby recognized as legal subdivisions of this State.

Sec. 2. No county seat shall be removed unless upon petition of a majority of the qualified electors of the county, and unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal of the county seat shall not be submitted in the same county more than once in six years; except as provided by existing laws; "No person shall

vote at any county seat election, who has not resided in the county six months, and in the precinct ninety days."

Sec. 3. No county shall be divided unless a majority of the qualified electors of the Territory proposed to be cut off, voting on the proposition at a general election, shall vote in favor of such division, Provided, that this section shall not apply to the creation of new counties. No person shall vote at such election who has not been ninety days a resident of the Territory proposed to be annexed.

When any part of a county is stricken off, or attached to another county, the part stricken off shall be held to pay its ratable proportion of all then

existing liabilities of the county from which its is taken.

Sec. 4. No new county shall be established, which shall reduce any county to an area of less than four hundred square miles; nor shall a new county be formed, containing an area of less than four hundred square miles.

Amended, 1898 N.J.R. #8, 1897

Sec. 5. The legislature shall establish, subject to the provisions of this Article, a system of county governments which shall be uniform throughout the state; and by general laws shall provide for township and precinct organizations.

Sec. 6. The legislature, by general and uniform laws, shall provide for the election lien-

Amended, 1928 N.J.R. #11, 1927.

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rially, in each of the several counties of the State, of county commissioners, a sheriff, county treasurer, who is ex-officio public administrator, probate judge, who is ex-officio county superintendent of public instruction, county assessor, who is ex-officio tax Collector, a coroner, and a surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws, shall provide for the election of such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The legislature shall provide for the strict accountability of county,

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township, precinct and municipal officers pay all fees which may be collected by them, and pay all public and municipal moneys which may be paid to them, as officially come into their possession. The county commissioners may employ counsel when necessary. The sheriffs, auditors and recorders, and clerks of the district court, shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistance to receive such compensation as may be fixed by the county commissioners.

No sheriffs or county assessors shall be qualified to hold the team of office im-

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mediately succeeding the term for which he was elected.

Sec. 7. The officers provided by section six (6) of this Article shall receive annually, as compensation for their services as follows:

A sheriff, not more than four thousand dollars, and not less than one thousand dollars, together with such mileage as may be prescribed by law. Clerk of the district court, who is ex-officio auditor and recorder, not more than three thousand dollars, and not less than five hundred dollars; probate judge, who is ex-officio county superintendent of public instruction, not more than two thousand dollars and not less than five hundred dollars; county assessor,

Amended 1898
N.L.R. #10, 1897
Amended 1938
N.J.R. #4, 1937

who is ex-officio tax collector not more than three thousand dollars, and not less than five hundred dollars; county treasurer, who is ex-officio public administrator not more than one thousand dollars, and not less than three hundred dollars; Coroner, not more than five hundred dollars; county surveyor, not more than one thousand dollars; county commissioners, such per diem and mileage as may be prescribed by law; and justices of the peace and constables, such fees as may be prescribed by law.

Sec. 8. The compensation provided in section seven (7) for the officers therein mentioned, shall be paid by fees and commissions, or both, as prescribed by law. All fees and commissions received by

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such officers in excess of the maximum compensation per annum provided for each in section seven (7) of this Article, shall be paid to the County treasurer, for the use and benefit of the County. In case the fees received in any one year by any one of such officers, shall not amount to the minimum compensation per annum therein provided, he shall be paid by the County, a sum sufficient to make his aggregate annual compensation equal to such minimum compensation.

Amended, 1898 H.J.R. H. 10, 1897

Sec. 9. The neglect or refusal of any officer named in this Article, to account for and pay into the county treasury any money received as fees or compensation, in excess of the

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maximum amount allowed to such officer by the provisions of this Article, within forty days after the receipt of the same, shall be a felony, and the grade of the crime shall be the embezzlement of public moneys, and be punishable as provided for such offense.

Sec. 10. The board of county commissioners shall consist of three members whose term of office shall be two years.

Sec. 11. County, township, and precinct officers shall perform such duties as shall be prescribed by law.

Article XIX.

Apportionment.

Section 1. Until otherwise provided by law, the apportionment of the two houses of the legislature shall be as follows:

The First Senatorial district shall consist of the county of Shoshone, and shall elect two Senators;

The Second shall consist of the counties of Kootenai and Latah, and shall elect one Senator:

The Third shall consist of the counties of Nez Perce and Idaho, and shall elect one Senator;

The Fourth shall consist of the counties of Nez Perce and Latah, and shall elect one Senator;

The Fifth shall consist of the county of Latah, and shall elect one Senator;

The Sixth shall consist of the county of Boise, and shall elect one Senator;

The Seventh shall consist of the county of Custer, and shall elect one Senator;

The Eighth shall consist of the county of Lemhi, and shall elect one Senator;

The Ninth shall consist of the county of Logan, and shall elect one Senator;

The Tenth shall consist of the county of Bingham, and shall elect one Senator;

The Eleventh shall consist of the counties of Bear Lake, Oneida and Bingham, and shall elect one Senator;

The Twelfth shall consist of the counties of Owyhee and Cassia, and shall elect one Senator;

The Thirteenth shall consist

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of the County of Elmore, and shall elect one Senator;

The Fourteenth shall consist of the County of Alturas, and shall elect one Senator.

The Fifteenth shall consist of the County of Ada, and shall elect two Senators;

The Sixteenth shall consist of the County of Washington, and shall elect one Senator.

Sec. 2. The several Counties shall elect the following members of the House of Representatives;

The County of Ada, three members;

The Counties of Ada and Elmore one member;

The County of Alturas, two members;

The County of Boise, two members;

The county of Bear Lake, one member;

The county of Bingham, three members;

The county of Cassia, one member;

The county of Custer, two members;

The county of Elmore, one member;

The county of Idaho, one member;

The counties of Idaho and Nez Perces, one member;

The county of Kootenai, one member:

The county of Latah, two members;

The counties of Kootenai and Latah, one member;

The county of Logan, two members;

The county of Lemhi, two mem-

5

bers;

The county of Nez Perce, one member;

The county of Oneida, one member:

The county of Owyhee, one member:

The county of Shoshone, four members:

The county of Washington, two members:

The counties of Bingham, Logan and Alturas, one member.

Article XX
Amendments.

Section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the State, at the next general election, and cause the same to be published without delay for at least six consecutive weeks, prior to said election in not less than one newspaper of general circulation, published in each county; and if a majority

of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

Sec. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

Sec. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session

provide by law for calling the same; and such convention shall consist of a number of members, not less than double the number of the most numerous branch of the legislature.

Sec. 4. Any Constitution adopted by such Convention, shall have no validity until it has been submitted to, and adopted by, the people.

Article XXI.
Schedule and Ordinance.

Section 1. That no inconveniences may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities, & obligations against the Territory of Idaho, of whatsoever nature & rights of individuals, & of bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Idaho, shall be as valid as if issued in the name of the State.

Sec. 2. All laws now in force in the Territory of Idaho, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

Sec. 3. All fines, penalties, forfeitures, and escheats accruing to the Territory of Idaho, shall accrue to the use of the State.

Sec. 4. All recognizances, bonds, obligations, and other undertakings heretofore taken, and which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to and may be prosecuted in the name

of the State; and all bonds, obligations, and other undertakings executed by this Department, or to any other officer in his official capacity, shall pass over to the proper State authority, and to their successors in office for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen and which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

Sec. 5. All officers, civil and

military, now holding their offices & appointments in this Territory under the authority of the United States, & under the authority of this Territory, shall continue to hold & exercise their respective offices & appointments until superseded under this Constitution.

Sec. 6. This Constitution shall be submitted for adoption & rejection, to a vote of the electors, qualified by the laws of this Territory to vote at all elections, at an election to be held on the Tuesday next after the first Monday in November, A.D. 1889. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for

general election & the returns thereof shall be made & canvassed in the same manner & by the same authority as provided in cases of such general elections, & abstracts of such returns duly certified, shall be transmitted to the Board of Canvassers now provided by law for canvassing the returns of votes for delegate in Congress.

The said canvassing board shall canvass the votes so returned, & certify & declare the result of said election in the same manner, as is required by law for the election of said delegate. At the said election, the ballots shall be in the following form: For the Constitution: Yes. No.

And as a heading to each of said ballots shall be printed on each ballot, the following in=

Instructions to voters;

All persons who desire to vote for the Constitution, or any of the Articles submitted to a separate vote, may erase the words "no"

All persons who desire to vote against the Constitution, or against any Article submitted separately, may erase the words "yes"

Any person may have printed or written on his ballot only the words, "For the Constitution", or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

Sec. 7. This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a

State.

Sec. 8. Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory, or in case of his absence or failure to act, the President of this Convention, shall issue a Proclamation, which shall be published, and a copy thereof, mailed to the Chairman of the Board of County Commissioners of each County, calling an election by the people of all State, district, county, township, and other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such Proclamation, nor

more than ninety days after the admission of the Territory as a State.

Sec. 9. The boards of Commissioners of the several Counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for delegate to Congress, and County and other officers. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made

and canvassed in the same manner, and by the same authority as provided in cases of such general election; but returns for all State and district officers and members of the legislature, shall be made to the canvassing boards hereinafter provided for.

Sec. 10. The governor, Secretary, controller, and attorney-general of the Territory, and the President of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote at such elections for all State and district officers and members of the legislature. The said Board shall assemble at the seat of government of the Territory on the 30th day after the date of such election (or on

the following day if such day fall on Sunday) and proceed to canvass the votes for all State and district officers and members of the legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegates to Congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, and shall make and file with the secretary of the territory, an abstract certified by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

Sec. 11. The canvassing boards of the several counties shall issue certificates of election to the several persons found by them

to have been elected to the several County and Precinct offices.

Sec. 12. All officers elected at such election, shall, within thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the laws of the Territory to be given in case of like officers of the Territory, district and county, and shall thereupon enter upon the duties of their respective offices; but the legislature may require by law all such officers to give other and further bonds as a condition of their continuance in office.

Sec. 13. All officers elected at said election, shall hold

their offices until the legislature shall provide by law in accordance with this Constitution, for the election of their successors, and until such successors shall be elected and qualified.

Sec. 14. The governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the State at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the legislature, both houses of the legislature

shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Idaho. At said election, the two persons who shall receive the majority of all the votes cast by said Senators and Representatives, shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House, shall issue a certificate to each of said Senators, certifying his election, which certificates shall also be signed by the Governor and attested by the Secretary of State.

Sec. 15. The legislature shall pass all necessary laws to carry into effect the provisions

of this Constitution.

Sec. 16. Whenever any two of the judges of the Supreme Court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the Supreme Court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State; and until so superseded, the Supreme Court of the Territory and the judges thereof shall continue, with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge

of the district court of any district elected under the provisions of this Constitution shall have qualified in office, the several causes then pending in the district court of the Territory within any County in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such County; and until the district courts of this Territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers to be exercised in the same judicial districts

respectively as heretofore constituted under the laws of the Territory.

Sec. 17. Until otherwise provided by law the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

Sec. 18 Whenever this Constitution shall go into effect, the books, records, and papers, and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the probate

court of the same county of the State, as the said Probate court shall proceed to final decree and judgment, orders and other determination in the said several matters and causes as the said probate court might have done as if this Constetution had not been adopted.

Sec. 19. It is ordained by the State of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship.

And the people of the State of Idaho do agree and declare that we forever

disclaim all right and title to the unappropriated Public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States, residing without the said State of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereof. That no taxes

shall be imposed by the State on the lands and property therein, belonging to, and which may hereafter be purchased by the United States, or reserved for its use.

And the debts and liabilities of this Territory shall be assumed and paid by the State of Idaho.

That this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Idaho.

Sec. 20. That in behalf of the people of Idaho we, in Convention assembled, do adopt the Constitution of the United States.

Done in open Convention

at Boise City, in the Territory of Idaho, this sixth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.

Wm H Clagett.
President.
Ind. Sinsbé
W. C. B. Allen
Robt Anderson
H. Armstrong
Orlando B. Batten.
Frank W. Beane
Jas H. Beatty
J. W. Bullentine
A D Bergan
Henry B Blake.
Frederick Campbell
Frank P. Cavanah
A S Chaney
Chas. A. Clark
I N Coxton
Jos. I. Coutcher

Stephen S. Glidden
John S. Gray.
Wm. W. Hammell
H. S. Hampton
H. O. Harkness
Frank Harris
Sol Hasbrouck
C. M. Hays
W. B. Heyburn
John Hogan
J. M. Howe
E. S. Jewell
G. W. King
H. B. Kinport
Jas. W. Lamoreaux
John Lewis
Wm C Maxey
A. E. Mayhew
W. J. McConnell
Henry Melder
John H. Myer
John T. Morgan
A. B. Moss

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Aaron F. Parker
A. J. Pierce
A. J. Pritchard
J. W. Poe
Thos Pyeatt
Jas. W. Reid,
W. D. Robbins
Wm H. Savidge
Aug M. Sinnott
James M. Shoup
Drew W. Standrod
Frank Steinenberg
Homer Stull
Willis Swert
Sam F. Taylor
J. L. Underwood
Lycurgus Vineyard
J. S. Whitton
Edgar Wilson
W. W. Woods
John Lemp
N. S. Andrews
Samuel J. Pritchard
J. W. Brigham