

Illinois Constitution

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The
Proposed New Constitution
of Illinois
1922

With Explanatory Notes and
Address to the People

For Submission to the People at a Special Election
on Tuesday, December 12, 1922

ILLINOIS
CONSTITUTIONAL
CONVENTION

1920-1922

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ILLINOIS CONSTITUTIONAL CONVENTION
1920-1922

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18, 19, 20/23.

FOREWORD

This pamphlet contains the complete text of the proposed new constitution of Illinois, which is to be submitted to a vote of the people at a special election on Tuesday, December 12, 1922.

In the right hand column opposite each section will be found notes indicating the changes, if any, which that section makes in the present constitution. Preceding the text of the constitution is the address of the convention to the people of Illinois.

This proposed new constitution was framed in response to the will of the people of Illinois, expressed at the election on November 5, 1918, when the proposal to call a convention to draft a new constitution was adopted by a majority of 399,806. The delegates were elected November 4, 1919, and the convention met January 6, 1920.

The constitutional convention completed its work September 12, 1922.

Additional copies of this pamphlet may be secured by writing to Henry I. Green, Chairman, Committee on Submission and Address, Flatiron Building, Urbana, Ill.

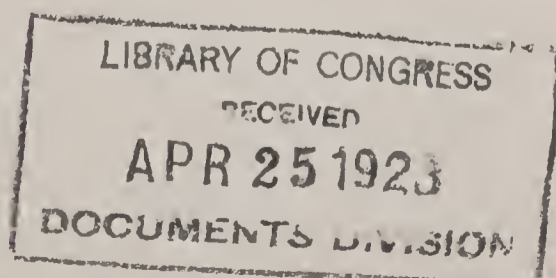


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Address to the People of the State of Illinois

Adopted by the Constitutional Convention, September 12, 1922

TO THE PEOPLE OF ILLINOIS:

Changed conditions and increasing knowledge demand from time to time adjustments in the mechanism of government.

In 1869 the people of this state, already dissatisfied with the constitution adopted only twenty-one years earlier, elected a convention to recommend a new constitution. These men wrought well and in the following year their work was approved at the polls. For fifty-two years, under the charter then adopted, Illinois has lived and prospered.

As new conditions and increased experience had before dictated change, so in 1918 the people, again persuaded that revision was required, voted for the calling of a constitutional convention and in the following year elected one hundred and two delegates charged with the duty of consulting together and of reporting back to those who had elected them. The men of this convention came from every part of the state and from many different walks in life. On almost every important question there developed among them wide differences in opinions, opinions often tenaciously held and only reluctantly yielded. Now after many months of labor and many other months of recess, during which differences have lessened and heat has cooled, there has come practical unanimity among the delegates and they join in recommending to the people of Illinois a constitution as it has been hammered out in their deliberations.

It is not to be pretended that the instrument is perfect, or even that it represents all the hopes and wishes of any one man or of any group of men. It is, as was the Federal Constitution and as all such measures must be, the result of compromise. No voter should approach its consideration with the mind to compare it with his ideal, for this is to condemn it in advance. Nor should it be an objection that some desired provision is not found within its pages, unless that provision is in the old instrument. The real and only question presented to the people of Illinois is: Is this proposed new constitution, framed by your representatives, better than the constitution under which you now live?

This question must be put and answered in view of the welfare of the whole state and all her population. So, too, it must be put and answered in the knowledge that a constitution is not, and does not pretend to be, a statutory code. It is the function of a constitution only to provide for the form of government, to define the powers and duties of the principal agencies of that government, and to put such limitations upon the powers of the government itself as experience has shown are necessary to the preservation of liberty. Under our system, the legislature has all power not denied to it or expressly given to other agencies and so, to the legislature must be left the working out of the details of law. When the legislature makes a mistake, it can be speedily and easily remedied, while mistakes in the constitution are much more difficult of cure. For these reasons the convention has wisely confined itself to matters thought to be fundamental, and left to the general assembly the wide and fruitful field of legislation. In weighing the merits of the constitution now offered, these considerations should be borne in mind.

In order that the voters may intelligently answer the one question which must be answered by their ballots: Does the proposed new constitution, on the whole and in view of the needs of all of the people of the whole state, promise better governmental conditions than the present constitution? we who have worked these many months to improve our government, here set forth in brief the principal changes which will be effected and our reasons for believing that they are desirable.

REVENUE

It was the growing belief, finally ripening into deep seated conviction, that the existing taxation system is defective, which principally prompted the calling of the constitutional convention. Since the foundation of the state, the constitution has required that all property should be taxed at a uniform rate. This was an admirable system in the early days and as long as the community remained homogeneous, with little diversity in property rights and with small accumulations of intangible property. It is the experience, however, of all governments that as population increases and society becomes more complex, the uniform property tax becomes less and less efficient as a means of raising revenue, and more and more inequitable in its distribution of burdens upon the people. As long as most men are of nearly equal wealth and all property consists either of land or personal property of large bulk that cannot be easily concealed, the uniform property tax is both fair and efficient, but as the forms of property multiply and especially as intangible property increases both in amount and in diversity of kind, the uniform property tax becomes less and less adapted to the needs of society. The farm or lot and the houses thereon cannot escape the assessor. So too it is difficult for live stock to be concealed. But diamonds are not paraded on the day when the assessor appears and notes, mortgages, bank balances, bonds and shares of stock are still more fugitive. Because some conceal the property which is easily hidden and so escape taxation, it becomes necessary to raise the rate

upon the property which remains visible. The increased rate adds to the temptation to conceal, with the result that still more property disappears from the tax lists and this again results in a higher rate. This interplay of increasing rate and disappearing personal property has resulted in inordinately high rates of taxation upon those forms of property which cannot be concealed, namely, real estate, and tangible personal property. The result has been that the rate of taxation has reached a point where it is recognized by all, even the taxing authorities themselves, that if taxes be levied, as contemplated by law, upon intangible property, a large proportion and, in some instances, all, of the income derived therefrom would be confiscated by the state. The result of this has been that there has grown up in some parts of the state a system of taxation wholly outside the law. Assessors and taxing authorities generally do not expect the owners of intangible property to report all of their holdings, as the law theoretically requires, but have adopted an extra-legal method and seek to make some fair approximation of the relative wealth of the individual taxpayer as compared with his neighbor's and assess him accordingly. Any system of taxation which practically forces the taxing authorities to adopt a system of their own, one not contemplated by law, is as vicious as can be because, in effect, it vests in the taxing authorities an unrestrained discretion to discriminate among the taxpayers and reward their friends and punish their enemies. What was therefore originally an admirable system of taxation and still appears theoretically fair has become the means of gross injustice and the potential source of shocking corruption.

The experience of all civilized states in which society has become complex has persuaded students of the subject that only through a diversified system of taxation can revenue in adequate amounts for the needs of the State be raised with a fair distribution of the burden of taxation. In a self-governing community, every citizen must bear his share of the responsibility of government. Whatever the system of taxation may be, every man, woman and child in the community pays some tax, whether or not they know it. The tax upon the tenement house is recouped by the owner from his tenants and the tax upon the store building is repaid to the owner by his tenant who must make out of his sales of goods enough to compensate him for the additional rent paid and so the tax upon the store building is eventually paid by those who buy the shopkeeper's goods. The citizen, however, who thus pays his tax indirectly is ordinarily not aware that he pays a tax and is therefore not vigilant in watching and checking the expenditures of government. The man who pays a tax directly is at once informed of his interests in the expenses of government and his cooperation is promptly enlisted in restraining unnecessary and extravagant expenditure. It is estimated that out of the more than three million people in the county of Cook, less than one hundred and fifty thousand directly pay any personal property tax and there are only about three hundred thousand who pay taxes upon real property. The total number of direct taxpayers in Cook county probably does not exceed three hundred and fifty thousand. Of course, each one of the more than three million people pays taxes indirectly. A system which permits nine-tenths of

the people to vote taxes paid directly by one-tenth is an encouragement to thriftless government and does not serve to impress upon the individual citizen the responsibilities which must be felt by every citizen if self-government is to endure.

It is not the function of a constitution to prescribe the details of taxation. This must rest with the legislative department of the government. With all the experience of the human race it must be confessed that there is no recognized science of taxation. No one can tell in advance just what will be the result of a given tax measure either in its capacity to raise revenue or in its capacity equally to distribute burdens. All that the constitution can do is to put those limitations upon the power of the general assembly which will preclude the more glaring inequalities and remove from the legislators the temptation to favor one class as against another.

The present constitution limits the power of the legislature practically to providing for only one kind of tax. It is important to enlarge the power of the legislature to diversify taxes so that instead of the revenue being all raised by taxes upon real estate and the more obvious forms of personal property, the burden shall be more equitably distributed and the number of those who shall consciously pay taxes shall be recruited from the number of those who, under the present system, pay taxes only unconsciously.

In several states, of recent years, an attempt to accomplish this end has been made by permitting the legislature to classify property, imposing different rates of taxation upon different classes of property. These laws are still in the experimental stage and it was thought by the convention not wise to permit experiments along these lines which might easily tend towards discrimination in favor of one class of taxpayer as against another.

The income tax, as a measure for raising revenue, distributing the burden of taxation more equitably and relieving real estate and tangible personal property, is no longer in the field of experiment. Income tax laws are upon the statute books of more than a dozen states and the reports from those states indicate that they have been successful in raising revenue in an equitable manner without disturbing business conditions or causing economic distress. Among the states where income tax laws are in successful operation are New York, Massachusetts and Wisconsin. Realizing that the gross inequality in our present system of taxation arises from the ease with which intangible property escapes, we have provided that in lieu of tax by value upon this class of property, the general assembly may, if it sees fit, tax the income derived from such property, but that if such a tax shall be imposed, it must be substantial and at a uniform rate. In other words, it may not be graduated or progressive.

Realizing too the success with which general income taxes have operated in all of the states in which they have been tried, we have also framed the new constitution so that the general assembly may, if it sees fit, impose a general income tax upon all incomes from whatever source derived. This tax may be graduated and progressive but in order to protect against gross inequality, especially in view of the heavy

federal income taxes, it is provided that the highest rate shall not exceed three times the lowest rate. And in order that the legislature may provide a workable system of income taxes without pressing too hard upon those who are at the margin of subsistence, it is provided that from the general income tax there may be exempted income derived from personal service of not to exceed \$1,000 for the head of a family, plus \$200 for each dependent child under the age of sixteen years, and not to exceed \$500 for any other person. This it was thought would provide for reasonable exemptions and yet would make the income tax so widely distributed as to remove the temptation which otherwise might be present to raise the rates to a point that might be disastrous to the industry of the state.

If a general income tax is imposed household furniture and the implements of agriculture and labor may be exempted from taxes and, in order to avoid the injustice of double taxation, such deductions may be made as will compensate for taxes paid by valuation on the property from which the taxed income is derived. By these provisions it is hoped that the way has been opened to such taxes upon incomes as shall give all citizens the opportunity of contributing to the support of their state such reasonable amount as they can well afford and as good citizens they will be glad to pay.

The new constitution still provides, as did the old, that property, if taxed, shall all be taxed at the same rate, but it is hoped that by opening the door to the legislature for the enactment of a reasonable income tax law, a considerable part of the state's revenue may be so raised, with a consequent relief of the burden now resting upon real property and the more obvious kinds of personal property. By increasing the kinds of taxation, it is, of course, not expected to increase the amount of revenue to be raised. The amount of revenue depends upon appropriations and the more people there are who consciously pay their taxes, the more there will be who will exercise a restraint upon the legislature and local taxing bodies in making appropriations. It is, therefore, to be expected that if the new constitution is adopted, an opportunity will be afforded to the legislature more equitably to distribute the burdens of taxation and that there will at the same time be added a restraining influence upon extravagance.

THE BILL OF RIGHTS

For the most part, the bill of rights has been allowed to remain as in the old constitution but there are a few changes which experience has proved are desirable. Under the existing constitution, a defendant charged with felony cannot waive a jury and submit his cause to a judge. Experience in other states has proved that there is no reason why a defendant, if he be so minded, may not waive a jury in cases other than capital, and permit himself to be tried by a judge. Accordingly, the new constitution so permits.

Heretofore, no one could be held to answer for a felony except upon indictment by the grand jury. In communities where grand juries are held only at intervals of several months, one arrested who cannot give bail is kept in jail awaiting the action of the grand jury. This has

frequently resulted in injustices to the innocent. In the larger communities there are many instances of crime where the proof is clear. In these cases it is a great waste of machinery to require first a preliminary hearing and then an indictment and then a trial before a petit jury and yet, under the existing constitution, there is no method by which the grand jury hearing can be avoided. Under the proposed constitution, all felonies, save capital cases, may be prosecuted upon either indictment or information filed by either the attorney general or the state's attorney, but no such information shall be filed by the state's attorney until after leave granted by the court upon a showing of probable cause. These changes will certainly result in simplifying criminal procedure and expediting prosecutions without the sacrifice of protection to the innocent.

The new constitution permits the general assembly to make women eligible as jurors. It also permits the general assembly to provide for juries of less than twelve in civil causes. This should result in saving much expense and bring great relief to citizens by diminishing the amount of jury service required and no reason is perceived why litigants should not be as well satisfied with the verdicts of smaller juries as they have been with those of juries of twelve.

One of the defects existing under the present constitution, especially in the larger cities, is in the operation of that section which requires that every defendant "except for capital offenses where the proof is evident or the presumption great" shall be admitted to bail. Under this section, old seasoned offenders readily obtain bail and are turned out upon the streets to renew their depredations while awaiting trial. Under the new constitution, the provision with reference to bail is the same as that in the Federal Constitution that "excessive bail shall not be required." It will therefore be within the sound discretion of the judge to whom application for bail is made whether the accused shall be allowed his freedom pending trial. It is to be expected that this discretion will be exercised favorably in the cases of first offenders, but that bail will be denied to those whose past history indicates how their time will be employed if they are not confined. This change was advocated by the judges and lawyers most experienced in the handling of criminals and should add much to the security of the honest citizen.

Until a few years ago, it was generally supposed that under the existing constitution, there was nothing to prevent reading in the public school of passages from the Bible and in those communities where public opinion approved this course, the reading of the Bible was customary. A few years ago, however, the supreme court, by a majority opinion, held that the constitution of 1870 forbids the reading of the Bible in the schools. The convention, though zealous to maintain the American doctrine of the separation of church and state, was convinced that an overwhelming preponderance of public opinion in the state demands that in those communities where public opinion approves, passages of the Bible may be read without comment and without discrimination in favor of one version of the scriptures over another and, accordingly, it is provided in the proposed constitution that the reading of selections from any

version of the Old and New Testaments in the public schools without comment shall not be in conflict with the constitution.

REPRESENTATION IN THE GENERAL ASSEMBLY

By the constitution of 1870, provision was made for so-called minority representation in the general assembly. It was hoped by the framers of that constitution that this provision would secure to the minority party in each senatorial district a chance of being represented, with the result that the general assembly would more fairly represent the political sentiment of the state. Unfortunately, in practical operation, all of the anticipated benefits have not materialized. Too frequently, by combinations between parties, so few candidates have been nominated that the electors have been practically without choice, with the result that many men have been sent to the general assembly who have not been qualified for the duties of their office. The experience of the past has consequently indicated the necessity for change and the new constitution therefore does not provide for minority representation.

When the constitution of 1870 was adopted, the population of Cook county was less than 350,000 people, out of a total of more than two and one-half million for the whole state. By the census of 1920, the population of Cook county is over three million and fifty thousand out of a total of 6,485,000 for the whole state. In fifty years, therefore, the population of Cook county has grown from less than 14% to more than 47% of the total population of the state. Because they have believed that so large an aggregation of people in one comparatively small area could, and under stress of circumstances would, act as a political unit and so control the destinies of the whole state, the people of other counties have for some years been growing in the conviction that the representation of Cook county in the general assembly should be in some measure limited and that this large body of consolidated power should not be allowed through its votes in the general assembly to control the more scattered inhabitants of the state. So strong has this feeling been that, though the constitution required the state to be reapportioned after each decennial census, there has been no change since the apportionment based on the census of 1900. There were many of the delegates from parts of the state outside of Cook county who insisted that the representation of the people of Cook county in the general assembly should be limited in both the senate and the house, while delegates from Cook county, as a unit, opposed such a provision. After many weeks of debate and negotiation, a compromise was finally effected. Heretofore, the state has been divided into fifty-one senatorial districts, each of which elected one senator and three representatives. It is now proposed to increase the senatorial districts to fifty-seven, of which nineteen shall be in the county of Cook and thirty-eight in the rest of the state and that so long as the proposed constitution shall remain in effect, Cook county shall be limited to nineteen out of fifty-seven members of the senate. The state is also to be divided into one hundred and fifty-three representative districts in accordance with the numbers of electors, each district to elect one member of the house.

The result of this is that Cook county is definitely limited to nineteen out of fifty-seven members of the senate but will have the same proportionate representation in the house, based upon the number of voters, which other parts of the state have. With two-thirds of the senate composed of representatives of downstate, Cook county could never force through legislation which was inimical to the interests of that part of the state outside of the county of Cook. On the other hand, as the people of Cook county will have their proportionate representation in the lower house, it is improbable that the people outside of Cook county will ever be able to force upon the people of that county legislation plainly inimical to their interests. Thus if there should arise a conflict of interest between the people of Cook county and the people of the rest of the state each will be protected against the other. In the adjustment recommended the convention has followed the precedents set by other states. In every state in which a large proportion of the population resides in one political subdivision some limitation is imposed upon the representation in the legislature of that area. In order to avoid a continuance or repetition of the neglect of the general assembly to reapportion the state periodically as ordered by the constitution it is provided that if the general assembly shall fail to make any apportionment it shall be the duty of the secretary of state, the attorney general and the auditor of public accounts to make the apportionment within ninety days after the adjournment of the regular session of the year designated for that purpose.

THE JUDICIARY

Notable changes are suggested in the organization and operation of the courts. Although more than one-half of the people of the state live, and more than one-half of the litigation which goes to the supreme court originates, in the seventh judicial district, which includes Cook county, under the present constitution that district elects only one member of the supreme court and the rest of the state, containing less than half of the population and furnishing less than one-half of the court's business, elects six of the justices. It is proposed that this shall be changed so that the court shall consist of nine justices, three to be elected from the seventh district, of whom not more than two shall come from the same county. The supreme court has for years been overburdened with the number of cases it has had to pass upon and an increase in the number of justices should lighten the burden of each member of the court, and expedite its work.

Under the previous constitutions it has been the custom for the legislature to pass laws prescribing the practice, pleading and procedure of courts. This has long been recognized as of doubtful value. While the practice has perhaps not been inadequate in the less thickly settled communities, it has not lent itself to the expeditious dispatch of business in the larger cities and the result has been that the courts have been clogged and litigants have been sometimes so delayed in securing their rights that the delay has amounted to a denial of justice. Under the proposed constitution, the supreme court will have the power to pre-

scribe the rules of pleading, practice and procedure and with its experience, passing, as it must, daily upon the records of the trials made in the lower courts, it should be best able to judge of the changes that can advantageously be made for the speedy and sure administration of justice.

Indeed it is arguable that the making of laws by the general assembly regulating the practice in courts is an invasion of the power of the courts and violative of the constitutional division of governmental powers into the three divisions of executive, legislative and judicial. It would seem doubtful if, consistently with this doctrine, the legislature can have more power or right to prescribe how the courts should function than the courts have to dictate how the legislature shall proceed about its business. An independent judiciary is the strongest bulwark of the individual's liberty.

No citizen can tell when the day may come when his all may depend upon the proper functioning of the courts and no citizen therefore can afford to be indifferent to the methods by which justice is administered between man and man. Indeed, it may be said that the primary purpose of all government is the administration of justice. It is confidently believed that by vesting in the courts themselves, especially the supreme court, the duty and right to prescribe how they shall function, a great advance will be made in securing to every citizen what the constitution has always said he was entitled to: "Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain, by law, right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay." Protection against possible abuse of power by the supreme court in making its rules is afforded by a provision which permits the general assembly to set aside by special law any rule of pleading, practice or procedure.

Long since it was found to be impossible for the supreme court to review the decisions in all of the cases in which appeals were prayed from the lower courts and the legislature therefore created four appellate courts to which the judges have been appointed by the supreme court, being chosen from the members of the circuit court. In later years, it has developed that frequently the judges can be spared for work in the appellate court only at great inconvenience to litigants in the circuit courts whose business is delayed by the additional duties imposed upon the circuit court judges. Under the new constitution the judges of the appellate courts will not be judges of the circuit courts. The existing law properly recognizes that the duty of reviewing the decisions of the lower courts rests primarily upon the justices of the supreme court, to be discharged either directly by themselves or through the appellate courts appointed by them, but it has been a mistake to require that the judges of the appellate courts should be selected only from the circuit court judges. Accordingly, the new constitution proposes that the members of the appellate courts may be selected by the supreme court without any restriction except that they must be resident within the district for which appointed, and as all judges of the supreme, appellate and circuit courts must be at least thirty-five

years of age and licensed to practice law in this state for at least ten years. It is the belief of the delegates to the convention, many of whom are lawyers of large experience, that these provisions should both increase the usefulness of the appellate courts and bring needed relief to the circuit courts.

There will be no more probate courts but there will be a county court in each county with one judge and an additional judge for each 50,000 of population over the first 50,000. The county courts will have all the jurisdiction heretofore vested in probate courts and concurrent jurisdiction with the circuit courts of testamentary trusts, construction of wills and partition of real estate where any such proceeding is incidental to their original jurisdiction, exclusive jurisdiction of appeals from justices of the peace and such other jurisdiction as may be provided by law. The county court will sit at the county seat and also in such other cities in the county as may provide suitable facilities for holding court.

The principal ground of criticism of justices of the peace and constables has been found in the fee system. They will no longer be compensated by fees but are to receive salaries from their respective towns or districts, to be fixed by the county board, and any town or district may, by a majority vote of the electors, abolish or restore both justices of the peace and constables.

Circuit courts as heretofore will sit at the county seats, and if any city of more than 5,000 population maintains suitable facilities for holding court, the circuit court may also sit there. City courts are abolished.

The circuit, superior, criminal, county and probate courts of Cook county, the municipal court of Chicago, and the city court of Chicago Heights are all consolidated into one circuit court, with a civil and a criminal division. The supreme court will assign the judges of the circuit court of Cook county to the different divisions and designate a chief justice of each of the divisions. The supreme court may authorize the chief justices of the two divisions jointly with the advice and consent of the judges of the circuit court to appoint assistants who shall have such judicial and other powers as the supreme court may prescribe.

Recognizing that the vesting of all jurisdiction in one court is in some measure experimental, we have provided that after five years from the adoption of the new constitution, the general assembly may divide the circuit into two courts subject to a referendum to the voters of Cook county. By those who have made the most careful study of the workings of the courts in many jurisdictions, it is confidently believed that by vesting all of the judicial business of a large community like Cook county in one court, there will be a great saving of expense and energy and that the people's business before the courts will be transacted with greater dispatch and economy.

EXECUTIVE DEPARTMENT

The principal change suggested in the executive department is that a treasurer shall be elected every four instead of every two years

and shall be ineligible for re-election for four instead of two years. The required age of the governor and lieutenant governor is increased from thirty to thirty-five years. There is also a provision requiring each officer of the executive department and the chief officer of each public institution to make a sworn semi-annual report to the governor of all moneys received or disbursed and also, at least ten days before the beginning of the regular session of the general assembly, to report the condition of his office to the governor who shall transmit the reports to the general assembly.

The state treasurer is required, as part of each semi-annual report, to show the daily balances of state funds in every bank and to accompany his report with a sworn statement of an executive officer in charge of each bank, showing the payment of interest and other compensation made and to be made by reason of such deposit. The effect of this should be to insure that the state shall receive the benefit of all interest earned upon its deposits.

The state auditor is also required to prescribe and supervise a uniform system of accounts for all county officers. This should give an added guarantee of the efficiency and honesty of county officers.

COUNTIES

The form of government of counties may be changed by law uniform as to class of counties, but such change shall become effective in a county only after approval by a majority of those voting on the question. This is a highly important provision relieving from the rigidity of constitutional mandate the government of the county and giving to the people of each county a fair measure of self determination. The sheriff is to be allowed to succeed himself, as he may not under present law. Each county (other than Cook) is to have an assessor, which should produce within the county an equality of taxation not now accomplished.

LEGISLATIVE DEPARTMENT

Some provisions regulating the procedure of the general assembly which have been dictated by experience are incorporated in the new constitution. For instance, when the two houses have failed to agree on an appropriation bill and it has been referred to a conference committee, there has been opportunity to insert in the conference committee's report items of appropriation not discussed in either house and to secure the passage of the conference committee's report during the closing hours of the session. In this procedure there has been abundant room for ill-considered and unwise appropriations. Accordingly, it is provided in the proposed new constitution that no subject matter shall be considered in any conference committee report on an appropriation bill unless such matter directly relates to matters of difference between the two houses and has been specially referred to the conference committee, nor shall the report of the conference committee be acted upon until it shall have been printed and put upon the desks of the members at least three legislative days before it is considered. This will furnish an added and highly desirable protection against unwise appropriations.

It is further provided that no general law shall take effect until sixty days after the adjournment of the session at which it was enacted. Under the existing constitution, laws take effect upon July 1 after the adjournment. The time intervening between adjournment and July 1 is commonly too short for any publicity, so that the people of the state are frequently subject to obey laws of which they have never heard and of which there are no ready means of acquiring information.

The legislature is to be permitted to pass laws for lending money upon farm lands in the state but only on approval of a majority of the voters at a general election. Such loans shall be amortized in not to exceed thirty-three years and must be secured by first mortgage made by those who own, occupy, and cultivate the land. In making loans, reasonable preferences are to be given to persons honorably discharged from the armed forces of the United States. Under this provision it is believed that the general assembly may, if it thinks wise, institute a system of aid and encouragement to the tillage of the soil by owners rather than by tenants.

The general assembly also may authorize cities, villages and incorporated towns to adopt reasonable regulations governing the use and appearance of land and the location, appearance, size and use of structures, and to divide territory into zones to each of which special regulations may be applied. This is the so-called zoning provision and is intended to give to cities and villages the power to regulate buildings in such a way as to produce a more harmonious and logical development. Experimentation with this system in cities in other states gives good reason to believe that desirable results will follow and that, on the whole, values of real property will so be conserved.

CHICAGO HOME RULE

Among the most troublesome questions which of late years have come before the general assembly have been those which have peculiarly affected the city of Chicago. A large part of the time and thought of the state's legislators has been consumed in the consideration of problems peculiar to one comparatively small locality. In the nature of things, men do not give that same careful consideration to questions which do not concern them or their constituents which they give to questions in which they or their constituents are directly interested. The convention was therefore persuaded that it was wise to remove from the field of the general assembly's activities and to vest in the authorities of the city of Chicago, just so far as possible, all questions which affect the city and do not affect the rest of the state. Accordingly, it is provided that, subject to the right of veto in the general assembly, Chicago is to possess, for all municipal purposes, full and complete power of local government and corporate action, but may not impose taxes or borrow money except as authorized by the general assembly or by the constitution itself. The city may call an elective convention to frame a new charter, but the work of the convention must be submitted to the voters of the city for adoption. The charter so framed shall prevail over state laws so far as the organization of the city govern-

ment, the distribution of power and the tenure and compensation of its officers and employees are concerned.

Subject to regulation by general law, the city may acquire, construct, operate, sell, pledge, lease or let public utilities or buy or sell the service thereof. The consent of the city is required to the creation, enlargement or consolidation of any municipal corporation (except the county) exercising taxing powers within the city. If the city adopts a charter, it may provide for the consolidation with the city of any or all local governments or other authorities, in whole or in part, exercising powers confined to the city limits. The charter may also provide for a consolidation with the city of the Sanitary District of Chicago, but the city shall not exercise any taxing powers outside of its own limits.

In addition to any other indebtedness permitted, the city may, after approval by the voters at a referendum election, issue bonds for the purpose of acquiring, leasing, constructing or operating income-producing properties for supplying transportation or water, but before the issuance of any such bonds the city must provide for the collection of a direct annual tax sufficient to pay the interest on the bonds and the principal thereof, within forty years. After the city shall have issued bonds for such purpose, at least four months before any tax levied for the payment of principal and interest of the bonds becomes collectible, the city must deposit with the city treasurer out of the gross earnings of the utility a sum equal in amount to such tax, which shall be used for the payment of the principal and interest and to the extent that such funds are so deposited, the tax shall not be collected. The city is further required, if it shall have acquired utilities pursuant to this section, to maintain such rates for service as will be sufficient to pay the principal and interest of the bonds issued for its acquisition and the cost and expense involved in or incidental to the ownership, operation and maintenance thereof. Any taxpayer shall have the right to apply to the circuit court of Cook county to enforce these obligations.

The purpose of these provisions, as may be clearly seen, is to permit the city of Chicago, if a majority of its citizens so desire, to acquire and operate transportation and water systems, but only on condition that such rates shall be charged as shall make the utility so acquired self-supporting. In other words, the city may not acquire a transportation system and furnish to its patrons service at less than cost and compel the citizens generally to bear the deficit through general taxation. The plan, it is believed, offers a sound and safe method by which the people of Chicago may, if they desire it, construct any system of transportation or acquire any traction properties, and operate them or lease them for private operation, as they may elect, without imposing upon the taxpayers of the city the burden of paying for properties which have been unwisely bought or unsuccessfully operated.

OTHER REVISIONS

Among the other changes which will be effected are these: (1) In Cook county supervision of elections will not after 1925 rest with the county judge, but will be subject to some elective officer or officers. It is not consistent with the true functions of a judge that he should be

burdened with the administration of the necessarily complicated election machinery. (2) Public money cannot be paid to sectarian institutions when public institutions are available and when it is paid it shall not exceed the cost of maintaining during their terms of commitment, neglected, defective, dependent or delinquent persons committed by courts to agencies under public inspection. There is always danger in permitting public money to be paid to private institutions and this section would seem adequately to protect both the wards of the state and the taxpayer. (3) Frequent elections are one of the burdens of citizenship, especially when polling places are far from residences. Accordingly, it is provided that outside of the county of Cook all elections are to be held on one day in November. In the even years state and federal officers will be elected and in the odd years county and local officers.

A frequent complaint against the existing constitution has been its rigidity, the difficulty of amending it. It is of the nature of a constitution that it should have a degree of permanence. It is not intended to voice transient opinions but to express the considered convictions of the people upon fundamental questions. It should not, therefore, be the subject of whim or caprice. On the other hand a constitution is but the product of human beings, prone to err. There must, therefore, be some method by which it can be corrected without too great effort, nor should a small minority be allowed long to block the way of a determined and continuing majority to amend their form of government. The objections to the amending clauses of the present constitution are justified and we have accordingly relaxed the provision by allowing amendments to be proposed by the general assembly to two articles, instead of only one, at the same session, and have changed the prohibition upon proposing an amendment to the same article oftener than once in four years so as to make it apply only to a section instead of an article. If a convention shall be called to recommend a revision of the constitution it will be composed, as under the present constitution, of two delegates from each senatorial district, but to compensate for the limited number of districts in Cook county there shall be elected from that county seven members at large.

These are the principal changes effected by the proposed new constitution. There are, of course, other alterations, but they are of less moment and it is impracticable here to detail them. The whole constitution has been re-written and greatly improved in phrasing and arrangement. Although covering several subjects not dealt with in the constitution of 1870, it contains about fifteen hundred fewer words than that instrument.

CONCLUSION

The highest and noblest political activity of a self-governing people is the adoption of a constitution. History affords no nobler conception of government than that which contemplates self-respecting and intelligent human beings deliberately considering and voluntarily adopting rules which shall be binding upon themselves, and to which they shall first owe obedience.

The people of Illinois are now called upon for the first time in fifty-two years to enter upon this serious undertaking. The delegates to the convention have constituted but a committee to consider the changes that may to them seem desirable, and to recommend such changes to the ultimate sovereign, the people. With the people must rest the responsibility. We, of the convention, have spent many months of patient labor upon this work. By the committees to which were first referred the proposals, all citizens who desired to be heard were given opportunity to express their views. Infinite pains have been taken to ascertain the sentiments of the people of the state and like pains have been taken to express these sentiments in formal rules of law.

To our fellow citizens of the State of Illinois, by whom we were selected to perform the important task of formulating a constitution, and to whom we have never failed to recognize our responsibility, we now submit the results of our labor, confident that the people in their wisdom will duly weigh the advantages of the offered constitution as compared with that under which we now live and will by their ballots render a just and wise decision.

On December 12, 1922, the election will be held to determine whether our judgment of the welfare of the state shall be approved. On that date every man and woman who loves his or her state should glory to discharge the highest political duty of free men and free women and register their opinions at the polls.

Done in convention at the capitol in the city of Springfield on the twelfth day of September in the year of our Lord one thousand nine hundred twenty-two.

In witness whereof we have hereunto subscribed our names.

CHARLES E. WOODWARD
President

B. H. McCANN
Secretary

Proposed New Constitution of Illinois

WITH EXPLANATORY NOTES

Preamble

We, the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberties which He hath so long permitted us to enjoy and looking to Him for a blessing upon our endeavors to secure and transmit them unimpaired to succeeding generations, in order to form a more perfect government, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution.

No change is made in the subject matter of the Preamble to the constitution of 1870.

ARTICLE I

Bill of Rights

Section 1. All men are by nature free and independent and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed. A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty.

Secs. 1 and 20 of Art. II of the constitution of 1870 are combined as one section.

Section 2. No person shall be deprived of life, liberty or property without due process of law.

This section is in the exact language of Sec. 2, Art. II, constitution of 1870.

Section 3. The free exercise and enjoyment of religious profession and worship without discrimination shall forever be guaranteed. No person shall be denied any civil or political right, privilege or capacity on account of his religious opinions. The liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the

This section is the same as Sec. 3, Art. II, constitution of 1870, with a sentence added, providing that:

The reading of selections from any version of the Old and New Testaments in the public schools without comment shall never be held to be in conflict with this constitution.

state. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship. The reading of selections from any version of the Old and New Testaments in the public schools without comment shall never be held to be in conflict with this constitution.

Section 4. Every person may freely speak, write or publish on any subject but is responsible for the abuse of this liberty. In trials for libel, civil or criminal, the truth when published with good motives and for justifiable ends is a sufficient defense.

Section 5. The right of trial by jury shall remain inviolate but may be waived except in capital cases. The general assembly may provide that women may be eligible to serve as jurors. Juries of less than twelve in civil cases may be authorized by law.

Section 6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

Section 7. Excessive bail shall not be required. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

Section 8. No person shall be held to answer for a capital offense unless on indictment of a grand jury. Offenses which may be punished by imprisonment in the penitentiary may be prosecuted by indictment or on information filed by the attorney general or by a state's attorney. No such information shall be filed by a state's attorney except by leave granted, either in term time or in vacation, by a judge of a court of record having jurisdiction of the offense, after a showing of probable cause. All other offenses may be prosecuted as provided by law. This section shall not apply to cases of impeachment, cases arising in the army and navy

This section is the same as Sec. 4, Art. II, of the constitution of 1870.

This section is a revision of Sec. 5, Art. II, constitution of 1870, which provides:
The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

This is Sec. 6, Art. II, constitution of 1870, without change.

This section is a revision of Sec. 7, Art. II, constitution of 1870, which provides:
All persons shall beailable, by sufficient sureties, except for capital offenses where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

This section is a revision of Sec. 8, Art. II, constitution of 1870, which provides:
No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

and in the militia when in actual service in time of war or public danger.

Section 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and to have a copy thereof; to meet the witnesses face to face; to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

This section is the same as Sec. 9, Art. II, of the constitution of 1870.

Section 10. No person shall be compelled in any criminal case to give evidence against himself or be put in jeopardy twice for the same offense.

This section is the same as Sec. 10, Art. II, constitution of 1870.

Section 11. All penalties shall be proportioned to the nature of the offense. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the state for any offense committed therein.

This section is the same as Sec. 11, Art. II, constitution of 1870.

Section 12. No person may be imprisoned for debt except upon refusal to deliver up his estate for his creditors as prescribed by law or in case of strong presumption of fraud.

This section is the same as Sec. 12, Art. II, constitution of 1870.

Section 13. Private property shall not be taken or damaged for public use without just compensation which, when not made by the state, shall be ascertained by a jury.

This section is the same as the first sentence of Sec. 13, Art. II, constitution of 1870. The last sentence of Sec. 13, Art. II, constitution of 1870, is Sec. 226 of the new constitution.

Section 14. No *ex post facto* law or law impairing the obligation of contracts or making any irrevocable grant or special privileges or immunities shall be passed.

This section is the same as Sec. 14, Art. II, constitution of 1870.

Section 15. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered on a householder without his consent or in time of war except as provided by law.

This section combines Secs. 15 and 16, Art. II, constitution of 1870. No change is made in Sec. 15, but Sec. 16 is revised to require the consent of the occupant of a house, the word "householder" being substituted for the word "owner."

Section 16. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives and to apply for redress of grievances.

This section is the same as Sec. 17, Art. II, constitution of 1870.

Section 17. All elections shall be free and equal.

This section is the same as Sec. 18, Art. II, constitution of 1870.

Section 18. Every person ought to find a certain remedy in the law for all injuries and wrongs which he may receive in his

This section is the same as Sec. 19, Art. II, constitution of 1870.

person, property or reputation. He ought to obtain right and justice by law, freely, without being obliged to purchase it, completely and without denial, promptly and without delay.

Section 19. Laws shall be applicable alike to all citizens without regard to race or color.

ARTICLE II

Powers and Form of Government

Section 20. The legislative, executive and judicial departments shall be separate and no one of them shall exercise powers properly belonging to another.

Section 21. The republican form of government of this state shall never be abandoned, modified or impaired.

ARTICLE III

Legislative Department

Section 22. The legislative power shall be vested in a general assembly consisting of a senate and a house of representatives.

Section 23. The general assembly at the regular sessions in nineteen hundred twenty-three, nineteen hundred thirty-three and every twelve years thereafter shall apportion the state into fifty-seven senatorial districts each of which shall elect one senator and into one hundred fifty-three representative districts each of which shall elect one representative. The basis of apportionment for both houses shall be the number voting for governor at the last regular election for that office previous to the apportionment. Every district shall be formed of compact and contiguous territory and shall be bounded by county lines except in counties comprising two or more districts when such districts may be bounded by precinct or ward lines.

The territory now forming the county of Cook shall constitute nineteen senatorial districts. The territory forming the rest of the state shall constitute thirty-eight senatorial districts. At each apportionment the number so voting in the county of Cook shall be divided by nineteen and the quotient shall be the senatorial ratio for that territory and the number so voting in the rest of the state shall be divided by thirty-eight and the quotient shall be the senatorial ratio for that territory. The senatorial districts in each territory shall contain as nearly as practicable the ratio for that territory but in no case less than three-fourths of such ratio.

This section is added to the Bill of Rights and conforms to the provisions of the federal constitution.

This article is the same as Art. III of the constitution of 1870, with the section added providing for a representative form of government.

Secs. 22, 23 and 24 are substituted for Secs. 1, 6, 7 and 8 of Art. IV of the constitution of 1870, governing the election of members of the general assembly. The number of senatorial districts is increased from 51 to 57, each electing one senator. Cook county contains 19 senatorial districts as at present, and downstate is given 38 senatorial districts. Cumulative voting for representatives is abolished. The state is to be divided into 153 representative districts, apportioned according to electors, each district electing one member of the house of representatives.

At each apportionment the number so voting in the entire state shall be divided by one hundred fifty-three and the quotient shall be the representative ratio for the state. Representative districts shall contain as nearly as practicable the representative ratio. No district shall contain less than four-fifths of the representative ratio. But a county having less than four-fifths of the ratio may be joined with an adjoining county having less than the ratio in forming a district; counties having less than four-fifths of the ratio may be formed into districts of one or more counties; such districts shall be as near the ratio as practicable; and when of more than one county such counties shall be adjoining. Counties comprising not less than one ratio and three-fourths shall be divided into two or more districts. Each district in counties comprising more than two districts shall contain at least the full ratio.

Section 24. If the general assembly fails to make any such apportionment it shall be the duty of the secretary of state, the attorney general and the auditor of public accounts to meet at the office of the governor within ninety days after the adjournment of the regular session of the year designated for that purpose and make an apportionment as provided in section twenty-three of this constitution.

Section 25. Senators shall be at least twenty-five and representatives at least twenty-one years of age. No person shall be a member of the general assembly who holds any other lucrative public office or employment (except as a militia officer or justice of the peace) or is not a citizen of the United States or has not resided for five years in the state and for two years next before his election in the territory forming the district.

Section 26. Senators from even numbered districts shall be elected in nineteen hundred twenty-four and those from odd numbered districts in nineteen hundred twenty-six and every four years thereafter. Representatives shall be elected in nineteen hundred twenty-four and every two years thereafter. Senators shall hold office for four years and representatives for two years beginning on the day of the convening of the regular session next after the election. Vacancies shall be filled by special elections called by the governor.

This section is a revision of part of Sec. 3, Art. IV, constitution of 1870.

This section is a revision of Sec. 2, Art. IV, constitution of 1870, to conform to the changes made by Sec. 23.

Time of Meeting and Rules

Section 27. The general assembly shall convene at noon on Wednesday after the first Monday in January in odd numbered years. The secretary of state shall preside over the house of representatives until a temporary presiding officer is chosen who shall preside until a speaker is chosen. The lieutenant governor shall preside over the senate and may vote in case of tie. The senate shall choose a president to preside during the absence or pending the impeachment of the lieutenant governor or while he acts as governor.

Section 28. The governor may convene the general assembly by proclamation on extraordinary occasions; but it shall enter upon no business save that stated in the proclamation or in one additional message from the governor during the session.

Section 29. Members of the general assembly before entering upon their duties shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Illinois and will faithfully discharge the duties of senator (or representative) to the best of my ability; that I have not, knowingly or intentionally, paid or contributed anything or made any promise in the nature of a bribe directly or indirectly to influence any vote at my election; that I have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, association or person for any vote or influence I may give or withhold on any bill, resolution or appropriation or for any other official act.

This oath shall be administered by a judge of the supreme or circuit court in the hall of the house to which the member is elected. The secretary of state shall record and file the oath subscribed by each member. Any member who refuses to take this oath shall forfeit his office. Any member who is convicted of swearing falsely to or of violating his oath shall forfeit his office and be disqualified thereafter from holding any office in this state.

Section 30. A majority of the members elected to each house shall constitute a quorum. Each house shall determine its rules, choose its temporary and permanent officers and judge the election and qualifications of its members. Each house may punish by imprisonment not exceeding

This section is a revision of parts of Sec. 9, Art. IV, and Sec. 18, Art. V, of the constitution of 1870, governing the organization of the general assembly.

This section is a revision of Sec. 8, Art. V, constitution of 1870, giving a special session of the general assembly the further power to consider business suggested by one additional message from the governor during the session.

This section is the same as Sec. 5, Art. IV, constitution of 1870.

This section covers a part of the same subject matter as contained in Sec. 9, Art. IV, of the constitution of 1870, without any change in substance.

twenty-four hours (unless the offense is persisted in) any person not a member guilty of disorderly or contemptuous behavior in its presence; and by a vote of two-thirds of those elected and once only for the same offense may expel a member.

Section 31. The doors of each house and of committees of the whole shall be open except when in the opinion of the house secrecy is required. Neither house without the consent of the other shall change its place of sitting or adjourn for more than three days. Each house shall keep and publish a journal of its proceedings. Two members of the senate or five members of the house may have the yeas and nays taken on any question and entered upon the journal. Two members of either house may have entered upon the journal in respectful language the reasons for their dissent from or protest against any act or resolution.

Section 32. If the two houses disagree as to time of adjournment, the governor on receiving a certificate of such disagreement from either house may adjourn the general assembly to any time not beyond the first day of the next regular session.

Section 33. By joint resolution concurred in on roll call by two-thirds of the members elected to each house, the general assembly may authorize committees to continue after its adjournment *sine die* and until the next regular session convenes.

Legislative Procedure

Section 34. No law shall be passed except by bill. Bills may be originated, amended or rejected in either house.

Section 35. The enacting clause of laws shall be: Be it enacted by the People of the State of Illinois, represented in the General Assembly.

Section 36. No act shall embrace more than one subject and that shall be expressed in the title. Any act embracing a subject not expressed in the title shall be void only as to such subject. No act shall be revived by reference to its title only. An act expressly amending an act shall set forth at length the section or sections as amended.

This section is the same as Sec. 10, Art. IV, constitution of 1870, except it gives to either the senate or house the right of independent adjournment for 3 instead of 2 days.

This section is a revision of Sec. 9, Art. V, constitution of 1870, to allow either house to certify the disagreement to the governor.

This section is added to correct a defect in the constitution of 1870.

The first sentence of this section is added to Sec. 12, Art. IV, constitution of 1870, to prevent enactment of law by resolution or otherwise than by bill.

This section is the same as Sec. 11, Art. IV, constitution of 1870.

This section covers a part of the same subject matter as contained in Sec. 13, Art. IV, constitution of 1870, without any change in substance.

Section 37. Appropriation bills to pay members, officers and employees of the general assembly shall contain no provision on any other subject. Appropriations for the offices of governor, lieutenant governor, secretary of state, attorney general, treasurer, auditor of public accounts and superintendent of public instruction shall be made by separate bills for each office.

Section 38. Bills making appropriations of money out of the treasury shall specify the objects and purposes for which the appropriations are made and appropriate to them respectively their several amounts in distinct items and sections.

Section 39. No subject matter shall be included in any conference committee report on an appropriation bill unless such subject matter directly relates to matters of difference between the houses and has been specifically referred to the conference committee. No appropriation bill shall be passed and no report of any conference committee on an appropriation bill shall be considered unless the bill or report has been printed in its final form and placed on the desks of the members at least three legislative days prior to the final passage of the bill or the consideration of the report.

Section 40. Every bill shall be read by title on three different days in each house but the rules of either house may provide for the reading of bills at greater length on second and third reading.

Section 41. Every bill and all amendments thereto, except an amendment striking out an emergency clause, shall be printed before final passage in each house. No bill shall become law unless on final passage in each house a majority of the members elected concur by yea and nay vote which shall be taken separately on each bill and entered upon the journals. When passed by both houses a bill shall be signed by the presiding officers thereof and the facts of printing, placing on the desks of members, signing and presentation to the governor and the date of such presentation shall be entered upon the journals.

Section 42. Every bill passed by the general assembly shall be presented to the governor and if signed by him shall thereupon become law. At the time of signing an appropriation bill the governor may disapprove any section or item thereof by appending to the bill a statement of his

This section changes the provisions of Sec. 16, Art. IV, constitution of 1870, which is in the language following:

The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government shall contain no provision on any other subject.

This section covers a part of the same subject matter as contained in Sec. 16, Art. V, constitution of 1870, without any change in substance.

This is a new section, added to prevent large appropriation bills being rushed through the closing hours of a session of a general assembly without opportunity for mature consideration.

This section is a revision of part of Sec. 13, Art. IV, constitution of 1870, with reference to reading of bills before the general assembly.

This section is a revision of parts of Secs. 13 and 12, Art. IV, constitution of 1870, and adds provisions requiring certain entries upon the journals to validate an act.

This section is the same as Sec. 16, Art. V, constitution of 1870, except that it requires the governor to append his objections to the bill with his veto, and allows the governor 30 instead of 10 days after adjournment of the general assembly in which to consider bills. See Sec. 38, new constitution.

objections. If the governor does not approve a bill or if he disapproves an appropriation bill in part, he shall return the bill with his objections to the house where it originated. If thereafter such disapproved bill or any disapproved section or item of an appropriation bill is again approved by two-thirds of the members elected to each house, the bill or such section or item of an appropriation bill shall become law notwithstanding the objections of the governor. Any disapproved bill or disapproved part of an appropriation bill shall be reconsidered first in the house where the bill originated and then sent with the objections of the governor to the other house. Each house before reconsidering shall enter the governor's objections at large upon its journal.

Any bill which is not returned by the governor within ten days, Sundays excepted, after it is presented to him shall thereupon become law as if he had signed it. If the general assembly by adjournment prevents its return the bill shall become law at the end of thirty days after such adjournment unless within that time the governor files the bill and his objections with the secretary of state.

Section 43. No appropriation act shall take effect until the first day of July succeeding its enactment and no other act shall take effect until sixty days after the adjournment of the session at which it was enacted; but in an emergency, the fact of which shall be expressed in the body of the act, the general assembly may direct otherwise by a vote of two-thirds of the members elected to each house.

Legislative Limitations

Section 44. No local or special law shall grant divorces; change the names of persons or places; provide for opening, altering or working public highways; vacate highways, public grounds or town plats; regulate county or town affairs; create municipal corporations or amend their charters; provide for summoning or impaneling juries; provide for the management of common schools, regulate interest rates; regulate elections or designate places of voting; regulate the sale or mortgage of real estate of persons under disability; protect game or fish unless by reasonable classification of waters; authorize ferries or toll bridges; remit fines, penalties or forfeitures; change the law of descent; grant the right to construct railroad tracks; grant any special or exclusive privilege, immunity or franchise; or grant

This section is a revision of part of Sec. 13, Art. IV, constitution of 1870, and provides that laws (other than appropriation laws) shall go into effect 60 days after adjournment of the session instead of on July 1 after passage.

This section is a revision of Sec. 22, Art. IV, constitution of 1870, to accommodate changes made in the articles on Judicial Department and Local Governments. Sec. 1, Art. XI, constitution of 1870, has been consolidated with this section. The wording of this section has been materially reduced in length without any substantial change.

or change any corporate powers except those of educational, charitable, reformatory or penal corporations, under the patronage and control of the state.

Section 45. No special law shall be enacted if a general law can be made applicable.

Section 46. Lotteries and gift enterprises are forbidden.

Section 47. No liability due the state or any subdivision thereof or any municipal corporation shall ever be released or extinguished by law.

Section 48. No officer shall be elected or appointed by the general assembly or by either house except their respective officers.

Section 49. No law shall be passed authorizing any bank of issue or authorizing the state to conduct, own any interest in or incur any liability for any banking business.

Section 50. No law shall be passed authorizing the labor of any convict confined within any penitentiary or other reformatory institution to be let to any corporation, association or person.

Impeachments

Section 51. The governor and all civil officers of the state shall be liable to impeachment for misdemeanor in office. The house of representatives shall have the sole power of impeachment. A majority of the members elected must concur therein. Impeachments shall be tried by the senate, each senator being upon oath or affirmation to do justice according to the law and the evidence. When the governor is tried the chief justice shall preside. No person shall be convicted

This section is the same as the last clause of Sec. 22, Art. IV, constitution of 1870.

This section is the same as Sec. 27, Art. IV, constitution of 1870.

This section is a revision of Sec. 23, Art. IV, constitution of 1870, to include any liability due a subdivision of the state.

This section is the same as the last clause of Sec. 10, Art. V, constitution of 1870.

This section is a revision of Sec. 5, Art. XI, constitution of 1870, which provides:

No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation or joint stock company or association for banking purposes now created, or to be hereafter created. No Act of the General Assembly authorizing or creating corporations or associations with banking powers, whether of issue, deposit or discount, nor amendments thereto, shall go into effect or in any manner be in force, unless the same shall be submitted to a vote of the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for or against such law.

This section makes no change in the present constitution. See separate section, "Convict Labor", Amendment of 1886.

This section consolidates the provisions of Sec. 15, Art. V, and Sec. 24, Art. IV, constitution of 1870.

without the concurrence of two-thirds of the senators elected. Judgment in case of impeachment shall not extend beyond removal from office and disqualification for any office under the state; but the person impeached whether convicted or acquitted shall be liable to prosecution according to law.

Provisions Concerning Members

Section 52. The pay and mileage allowed each senator and representative shall be certified by the presiding officers of their respective houses and entered upon the journals. No senator or representative shall receive any other compensation or allowance. No law increasing the pay or other allowance of members of the general assembly shall take effect until the second regular session next following its enactment.

Section 53. Except for treason, felony or breach of the peace senators and representatives shall be privileged from arrest while going to, attending or returning from sessions of the general assembly. They shall not be questioned elsewhere for any speech in either house.

Section 54. No person elected to the general assembly shall receive or hold any lucrative civil appointment in this state during the term for which he is elected.

Section 55. No member of the general assembly during his term or within one year thereafter shall be beneficially interested directly or indirectly in any contract, authorized by a law enacted during his term, with the state or any subdivision thereof or any municipal corporation.

Miscellaneous Provisions

Section 56. The general assembly shall pass liberal homestead and exemption laws.

Section 57. The general assembly shall pass laws to encourage forestry.

Section 58. The general assembly shall pass laws for the protection of operative miners, providing for ventilation and the

This section is a revision of Sec. 21, Art. IV, constitution of 1870, extending the time when a law increasing the salaries of members of the general assembly shall take effect from the succeeding to the second regular session following the passage of the act.

This section is the same as Sec. 14, Art. IV, constitution of 1870.

Secs. 54 and 55 constitute a revision of Sec. 15, Art. IV, constitution of 1870, which provides:

No person elected to the General Assembly shall receive any civil appointment within the State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

This section is the same as Sec. 32, Art. IV, constitution of 1870.

This section is new.

This section is the same as Sec. 29, Art. IV, constitution of 1870.

construction of escapement shafts or other appliances securing safety in mines and shall prescribe such penalties and punishments for the enforcement thereof as it deems proper.

Section 59. The general assembly may provide (a) for opening private roads to communicate with public roads, (b) for permitting owners and lessees of lands and minerals to construct drains, ditches and levees on, across or under the lands of others for agricultural, sanitary or mining purposes, (c) for organizing drainage districts for flood control or for sanitary or agricultural purposes with powers of eminent domain and special assessment and (d) for making surveys and straightening and improving water courses at the expense in part of drainage districts and in part of the state or any subdivision thereof. This section and the three preceding sections shall not be construed as limitations of the powers of the general assembly.

Section 60. The general assembly may authorize the state or any subdivision thereof or any municipal corporation to take in fee simple and to hold, lease or sell more land than is needed for a public improvement whenever the court finds the excess is required to protect, preserve or aid the improvement and is reasonable in quantity therefor.

Section 61. The general assembly shall not grant the right to occupy the streets or public grounds of any municipal corporation without its consent.

Section 62. The general assembly in order to promote the general welfare may authorize cities, villages and incorporated towns to adopt reasonable regulations governing the use and appearance of land and the location, appearance, size and use of structures and to divide their territory into zones to each of which special regulations may be applied. Distinctions may be made between conditions existing at the time of adoption of any such regulations and future conditions. Such regulations shall not be enforced as to conditions existing at the time of their adoption without payment of just compensation unless such regulations might lawfully be enforced irrespective of the provisions so this section. Any statute in force at the time of the adoption of this constitu-

This section is a revision and consolidation of Secs. 30 and 31, Art. IV, constitution of 1870, which provide:

Sec. 30. The General Assembly may provide for establishing and opening roads and cartways, connected with a public road, for private and public use.

Sec. 31. The General Assembly may pass laws permitting the owners of lands to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, and vest the corporate authorities thereof with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this State, by special assessments upon the property benefited thereby.

This section is new.

This section is a revision of Sec. 4, Art. XI, constitution of 1870, and preserves the control of municipalities over their streets and public grounds.

This section is new. It allows the general assembly to enact laws permitting zoning in municipalities.

tion (or any ordinance passed in conformity with such statute) which comes within the provisions of this section shall be valid.

Section 63. The general assembly may provide for lending money on farm lands in the state; but no act providing therefor (or any amendment thereto) shall take effect until it is approved by a majority of those voting on the question at a general election. Such loans shall be amortized in not to exceed thirty-three years and shall be secured by first mortgages or deeds of trust made by those owning, occupying and cultivating the lands pledged. Reasonable preferences concerning loans may be given to persons honorably discharged from the armed forces of the United States.

Section 64. Every stockholder of a bank shall be liable (in addition to any liability for his stock) to the amount of the par value of the stock held by him for liabilities of the bank accruing while he held such stock. The general assembly shall provide the manner in which that obligation may be enforced. In every election for directors of a bank each stockholder may cast, in person or by proxy, as many votes as shall equal the number of directors to be elected multiplied by the number of shares owned by him and may cumulate his votes for one candidate or distribute them among several.

ARTICLE IV

Executive Department

Section 65. The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, treasurer, auditor of public accounts, superintendent of public instruction and such other officers as provided by law. Except the lieutenant governor they shall reside at the seat of government during their terms.

Section 66. The governor and lieutenant governor each shall be at least thirty-five years of age and a citizen of the state for ten years next before his election. No elective officer of the executive department shall hold another office during the term for which he is elected.

Section 67. No state treasurer shall again hold that office within four years after his term expires. The treasurer may be required by the governor to give reasonable additional security and in default of so doing his office shall be deemed vacant.

This section is new. The purpose is to permit the general assembly to establish a system of land credits to aid and encourage the ownership of land by actual occupants cultivating it.

This section is a revision of Sec. 6, Art. XI, constitution of 1870.

This section covers most of the subject matter contained in Sec. 1, Art. V, constitution of 1870, without any change in substance.

This section is a revision of Sec. 5, Art. V, constitution of 1870, raising the age and state residence qualifications of the governor from 30 years of age and 5 years residence to 35 years of age and 10 years residence.

This section is a revision of parts of Sec. 2, Art. V, constitution of 1870, and increases the time within which the state treasurer may not again hold that office from 2 years to 4 years.

Section 68. The officers specifically named in section sixty-five of this constitution except the superintendent of public instruction shall be elected in nineteen hundred twenty-four and every four years thereafter. The superintendent of public instruction shall be elected in nineteen hundred twenty-six and every four years thereafter. The term of office of every such officer shall be four years from the second Monday of January next after his election.

Section 69. The election returns for officers of the executive department shall be sealed and transmitted by the returning officers to the secretary of state directed to the speaker of the house of representatives. Before that house proceeds to other business and immediately after its organization, the speaker shall open and publish such returns in the presence of a majority of each house assembled in the hall of the house of representatives and then declare elected to each office the person so shown to have the highest number of votes therefor. The general assembly by ballot in joint session shall determine contested elections for such offices and in case of tie shall choose in like manner one of the persons tied.

Section 70. The public records and papers of the executive department shall be kept at the seat of government.

Section 71. The officers of the executive department shall be paid salaries and shall not receive to their own use any other compensation.

Section 72. Each officer of the executive department shall perform such duties as are prescribed by law.

Section 73. The supreme executive power shall be vested in the governor who shall take care that the laws are faithfully executed.

Section 74. At the commencement of each regular session and at the close of his term the governor shall inform the general assembly of the condition of the state and recommend such measures as he deems expedient. At the same times he shall account to the general assembly for all funds subject to his order.

Section 75. The governor shall nominate and with the consent by yea and nay vote of a majority of those elected to the

This section is a revision of Sec. 3, Art. V, and part of Sec. 1, Art. V, constitution of 1870.

The term of the state treasurer is made 4 instead of 2 years.

This section is the same as Sec. 4, Art. V, constitution of 1870. The section has been rephrased without changing the substance.

This section covers a part of the same subject matter as contained in Sec. 1, Art. V, constitution of 1870, without any change in substance.

This section covers a part of the same subject matter as contained in Sec. 23, Art. V, constitution of 1870, without any change in substance.

This section covers a part of the same subject matter as contained in Sec. 1, Art. V, constitution of 1870, without any change in substance.

This section covers a part of the same subject matter as contained in Sec. 6, Art. V, constitution of 1870, without any change in substance.

This section is a revision of Sec. 7, Art. V, constitution of 1870, and covers the same subject matter.

This section is a consolidation of the subject matter of Secs. 10 and 11, Art. V, constitution of 1870.

senate shall appoint all officers whose appointment or election is not otherwise prescribed by law. If a vacancy exists during the recess of the senate in any office where the appointing power is vested in the governor subject to the consent of the senate, the governor shall make a temporary appointment until the next meeting of the senate when he shall nominate some person for the office. No person rejected by the senate shall be nominated again for the office at the same session save on request of the senate or be appointed to the office during the recess of the senate.

Section 76. For incompetency, neglect of duty or malfeasance in office the governor may remove any officer whom he may appoint.

Section 77. The governor may grant reprieves, commutations and pardons for all offenses after conviction on such terms as he thinks proper; but the manner of applying therefor may be regulated by law.

Section 78. The governor shall be commander-in-chief of the armed forces of the state except when they are in the service of the United States and may call them out to execute the law, protect life or property, suppress insurrection or repel invasion.

Section 79. If the office of governor becomes vacant the lieutenant governor shall become governor for the residue of the term. If the governor fails to qualify, is absent from the state or is under disability, the powers, duties and emoluments of the office shall devolve upon the lieutenant governor for the residue of the term or until the cause which renders the governor incapable of performing his duties is removed. If there is no lieutenant governor or if for any of the above causes he is incapable of performing the duties of the office, its powers, duties and emoluments shall devolve, first upon the president of the senate and after him, for like causes, upon the speaker of the house of representatives; but each of them shall act only until the cause which renders the officer having the prior right incapable of performing the duties of the office is removed or until the vacancy is filled by election.

This section is the same as Sec. 12, Art. V, constitution of 1870.

This section is a revision of Sec. 13, Art. V, constitution of 1870, which provides:

The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor.

This section is a revision of Sec. 14, Art. V, constitution of 1870, under which the power of the governor to call out the militia to protect life or property at times of great public disaster, danger or catastrophe was questioned.

This section is a consolidation of the subject matter of Secs. 17 and 19, Art. V, constitution of 1870.

Section 80. If the office of secretary of state, attorney general, treasurer, auditor of public accounts or superintendent of public instruction becomes vacant, the governor shall fill the vacancy by appointment until a successor is elected and qualified.

Section 81. Each officer of the executive department and the chief officer of each public institution of the state shall render under oath to the governor a semi-annual account of all moneys received or disbursed. At least ten days before the regular session of the general assembly each of these officers shall report the condition of his office to the governor who shall transmit the reports to the general assembly. Additional reports may be required of these officers by the governor.

Section 82. The state treasurer as a part of each semiannual report shall show the daily balances of state funds in his custody and in every bank, safe or other place of deposit or safe keeping where such funds were during the period covered by the report. He shall accompany his report with a sworn statement of an executive officer in charge of every such bank, safe or other place of deposit. Such statement shall show each payment of interest or other compensation made or to be made by reason of the deposit or use or keeping of any part of such funds.

Section 83. There shall be a great seal of the State of Illinois to be kept and used by the secretary of state as directed by law.

Section 84. The auditor of public accounts shall publish within sixty days after the adjournment of each session of the general assembly a statement of the expenses of such session, specifying the amount of each item and to whom and for what paid.

Section 85. A uniform system of accounts for all county officers shall be prescribed and supervised by the auditor of public accounts and their accounts shall be audited by him.

ARTICLE V

Judicial Department

Section 86. The judicial power shall be vested in a supreme court, in appellate, circuit and county courts and in justices of the peace.

This section covers a part of the same subject matter as contained in Sec. 20, Art. V, constitution of 1870, without any change in substance.

This section is a consolidation and revision of part of Sec. 20 and all of Sec. 21, Art. V, constitution of 1870, relating to the same subject matter.

This section is new.

This section is the same as Sec. 22, Art. V, constitution of 1870.

This section is the same as the last sentence of Sec. 17, Art. IV, constitution of 1870.

This section is new.

This section is a revision of Sec. 1, Art. VI, constitution of 1870, which provides:

The judicial powers, except as in this article is otherwise provided, shall be vested in one Supreme Court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

The Supreme Court

Section 87. The supreme court shall consist of nine justices one of whom to be chosen by themselves shall be chief justice.

This section is a revision of parts of Secs. 2 and 6, Art. VI, constitution of 1870, and provides for a supreme court of 9 instead of 7 justices.

Section 88. The state shall be divided into seven districts for the election of justices. The district including the county of Cook shall elect three justices, not more than two of whom shall at the time of their respective elections reside in the same county. Each of the other six districts shall elect one justice. Until otherwise provided by law, the seven districts shall remain as at the time of the adoption of this constitution.

This section is a revision of Sec. 5, Art. VI, constitution of 1870, and provides for the election of 3 justices from the seventh district, no more than 2 of whom are to be elected from the same county.

Section 89. One justice shall be elected in the first district in nineteen hundred thirty-three; one justice shall be elected in the second district in nineteen hundred thirty-five; one justice shall be elected in the third district in nineteen hundred thirty-three; one justice shall be elected in the fourth district in nineteen hundred thirty-nine; one justice shall be elected in the fifth district in nineteen hundred thirty-seven; one justice shall be elected in the sixth district in nineteen hundred thirty-seven; one justice shall be elected in the seventh district in nineteen hundred thirty-one; one justice shall be elected in the seventh district in nineteen hundred thirty-three; one justice shall be elected in the seventh district in nineteen hundred thirty-five. The justices from the seventh district shall be elected on the first Monday of June in the years in which their terms expire and the justices from the first, second, third, fourth, fifth and sixth districts shall be elected on the first Tuesday after the first Monday of November in the years in which their terms expire. The term of office of each justice shall be ten years from the date of his election.

This section is a revision of Sec. 6, Art. VI, constitution of 1870, to conform to the provisions of Sec. 88.

Section 90. Whenever a quorum of the supreme court certifies to the governor that it is unable to dispose of pending cases with reasonable dispatch because of the death, disability or resignation of any justice, the governor shall designate a judge of one of the appellate courts to act as a justice of the supreme court and receive the salary paid a justice of that court until the vacancy is filled or the supreme court certifies to the governor that the disability is removed. Such designation shall not affect the term of such judge.

This section is new.

Section 91. The supreme court shall sit at the seat of government. A majority of the justices shall constitute a quorum and the concurrence of five shall be necessary for every decision.

Section 92. The supreme court shall have the original jurisdiction in cases relating to the revenue, in quo warranto, mandamus, habeas corpus, prohibition and other cases involving questions of great public importance and appellate jurisdiction in all cases.

Section 93. The supreme court shall have exclusive power to prescribe rules of pleading, practice and procedure in all courts; but rules not inconsistent therewith may be prescribed respectively by other courts of record. Any rule of pleading, practice or procedure may be set aside by the general assembly by a special law limited to that purpose.

Section 94. The supreme court shall appoint its clerk and a reporter of its decisions for terms of six years each subject to removal by the court.

Appellate Courts

Section 95. There shall be an appellate court of the first district, an appellate court of the second district, an appellate court of the third district and an appellate court of the fourth district. They shall be of uniform jurisdiction and have such districts and sit at such places as provided by law.

Section 96. Each appellate court shall consist of three judges or such multiple of three as the supreme court may from time to time determine. In appellate courts of more than three judges the supreme court may assign the judges thereof to divisions of three judges each. Each division shall select a presiding judge and the presiding judges shall apportion the work of the court among the several divisions and perform such other administrative acts as may be necessary.

Section 97. Judges of appellate courts shall be appointed by the supreme court. The terms of judges of appellate courts shall be six years and shall expire in the first district on December thirty-first, nineteen hundred twenty-eight, and in the other districts on December thirty-first, nineteen hundred twenty-seven, and every six years thereafter respectively, except that judges appointed to newly created divisions shall hold office only until the last day of the pending term for appellate

This section consolidates Sec. 4 and part of Sec. 2, Art. VI, constitution of 1870.

This section is a revision of Sec. 2, Art. VI, constitution of 1870, giving the supreme court original jurisdiction in quo warranto, prohibition and other cases involving questions of great public importance in addition to that conferred by the constitution of 1870.

This section is new, and is designed to effect the functioning of the judiciary as an independent department of the government.

This section is a revision of Secs. 10 and 9, Art. VI, constitution of 1870, and makes the clerk an appointive instead of an elective officer.

Sec. 11, Art. VI, constitution of 1870, provides:

After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

Secs. 95, 96, 97, 98 and 99, are revisions of Sec. 11, Art. VI, set out above. However, the existing appellate court organization is not disturbed.

judges. On or before January first, nineteen hundred twenty-nine, in the first district and January first, nineteen hundred twenty-eight, in the other districts and every six years thereafter judges of all the appellate courts shall be appointed. The supreme court for cause shown of record may remove any judge of an appellate court.

Section 98. The appellate courts shall hold such sessions as the supreme court may direct.

Section 99. Each appellate court shall appoint its clerk for a term of six years subject to removal by the court.

Appeals and Writs of Error

Section 100. Appeals from and writs of error to circuit and county courts may be prosecuted in all cases as follows: (a) to or from the supreme court in all criminal cases where the punishment allowed by law may be death or imprisonment in the penitentiary and in cases where a franchise or a freehold or the validity of a statute is involved, (b) to or from the appellate courts in such other cases as may be prescribed by general rule of the supreme court and (c) to or from the supreme court in all other cases. Except as above limited the supreme court by general rule may prescribe the final jurisdiction of appellate courts unless otherwise provided by law.

Circuit Courts outside the County of Cook

Section 101. The state outside of the county of Cook shall be divided into judicial circuits formed of contiguous counties as compact in form and as nearly equal as circumstances permit having regard to business, territory and population. The number of such circuits shall not exceed one for every one hundred fifty thousand population except that a circuit may be formed of a county or contiguous counties having a population exceeding one hundred thousand if the business of the circuit court or courts therein occupies nine months of the year. Circuits may be changed by law, but only at the first session of the general assembly after the adoption of this constitution and at any session next preceding an election for circuit judges. No such change shall affect the term of any judge.

This section is a revision of Sec. 8, Art VI, and part of Sec. 11, Art. VI, constitution of 1870.

This section is a revision of Secs. 13 and 15, Art. VI, constitution of 1870.

Section 102. In every circuit there shall be elected in nineteen hundred twenty-seven and every six years thereafter three judges of the circuit court whose terms shall be six years from the date of their election.

Section 103. In every such county there shall be a circuit court with original jurisdiction of all cases at law and in equity and such other jurisdiction as provided by law.

Section 104. The circuit courts shall always be open for the transaction of business. The circuit court shall sit at the county seat of each county. If a city of more than fifty thousand population in any county provides and maintains suitable facilities for holding court, the circuit court shall also sit in such city. In any city wholly or partly in the county, whenever such city or part thereof has not less than five thousand population, a majority of the judges of the circuit may provide for holding sessions of court therein, if such city provides and maintains suitable facilities for holding court.

Circuit Court of Cook County

Section 105. The territory now comprising the county of Cook shall constitute one circuit and have a circuit court with original jurisdiction of all cases, matters and proceedings requiring judicial action and jurisdiction of appeals from justices of the peace.

Section 106. There shall be elected to the office of judge of the circuit court of Cook county on the first Monday of June, nineteen hundred thirty-one, nineteen judges as successors to the judges whose terms expire in that year; on the first Monday of June, nineteen hundred thirty-three, nineteen judges as successors to the judges whose terms expire in that year; and on the first Monday of June, nineteen hundred thirty-five, twenty judges as successors to the judges whose terms expire in that year. Thereafter on the first Monday of June of the year in which the terms of any judges of that court expire and every six years thereafter, successors to such judges shall be elected. Provision may be made by law for the election of an additional judge for every fifty thousand population in the county above three million four hundred thousand. The number of judges may also be reduced by law.

This section is a revision of parts of Secs. 14 and 12, Art. VI, constitution of 1870, to carry into effect the new constitution.

This section is a revision of part of Sec. 12, Art. VI, constitution of 1870.

This section is a revision of part of Sec. 14, Art. VI, constitution of 1870, which provides:

The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county.

Sections 105, 106, 107, 108, 109, 110, 111 and 112 provide for the reorganization of the court system in Cook county. They take the place of Secs. 23, 24, 25, 26 and 27 of Art. VI of the constitution of 1870. In this connection Secs. 12, 13 and 14 of the Schedule of the new constitution should be considered.

Section 107. Judges of the circuit court of Cook county shall be elected for terms of six years from the date of their election. At all elections for judges the ballots therefor shall be separate and distinct from the ballots for non-judicial officers.

Section 108. The circuit court of Cook county shall sit in the city of Chicago but provision may be made by law for holding sessions in other cities, villages or incorporated towns in the county having a population of at least five thousand whenever suitable facilities for holding court are provided and maintained without expense to the county or state.

Section 109. The supreme court shall establish a civil division and a criminal division of the circuit court of Cook county. The supreme court from time to time shall assign judges to service in the two divisions and shall designate a judge to act as chief justice of each division who shall have such administrative power and authority as may be provided by the supreme court.

Section 110. The supreme court may authorize the chief justices of the civil and criminal divisions jointly, by and with the advice and consent of a majority of the judges of the court, to appoint assistants who shall have such judicial or other powers and duties in respect to the business before the court as the supreme court may prescribe. The salaries of such assistants shall be fixed by the county board and paid out of the county treasury.

Section 111. Electors of the county of Cook equal in number to one-tenth of the total vote cast for president of the county board at the last preceding election may file in the circuit court a petition to submit to a vote the proposition whether the county shall adopt the system hereinafter provided for the appointment of the judges of the circuit court. Thereupon the chief justice of the civil division of that court by an order entered of record shall call a special election for submitting such proposition within three months after such order is entered. If the proposition is approved by a majority of those voting thereon such chief justice shall declare it adopted. If it is disapproved it shall not again be submitted for six years. Upon the adoption of the proposition the judges in office shall continue in office until removed as herein provided. After the adoption of the proposition the manner of

choosing judges of that court shall be as follows: The governor shall fill any vacancy in that court by appointment from a list containing the names of not less than four eligible persons for each vacancy, nominated by a majority of the supreme court, not more than one-half of such persons to be affiliated with the same political party. Thereafter each judge shall hold his office during good behavior subject to removal as herein provided. On the first Monday in June in the sixth year after the election or appointment of every judge, or in the seventh year if the sixth is an even numbered year, and on the same date in every sixth year thereafter the electors of the county shall be given an opportunity at an election to express their disapproval of such judge. If a majority of those voting at any such election disapproves of any judge his office shall become vacant at the end of three months after the election and for a period of six years thereafter he shall be ineligible to appointment as a judge of such court; if such judge is not disapproved, he shall continue in office and begin a new term on the day of such election. All elections under this section shall be conducted in the manner prescribed by law.

Section 112. After five years from the adoption of this constitution the general assembly may divide the circuit court into, and the jurisdiction thereof between, two courts both of which shall be governed by the provisions of this article so far as applicable. No act providing therefor shall become effective until approved by a majority of those voting on the question at a general election in the county of Cook.

County Courts

Section 113. In each county except the county of Cook there shall be elected in nineteen hundred twenty-seven and every six years thereafter a judge of the county court except that contiguous counties may by law be made a district in which one judge shall be elected for all county courts in the district. An additional judge shall be elected for every fifty thousand population or major portion thereof in a county or district above a population of fifty thousand. The term of every county judge shall be six years from the date of his election.

Section 114. In every such county there shall be a county court which shall have (a) original jurisdiction of all matters

This section is a revision of part of Sec. 18, Art. VI, constitution of 1870, and provides for an additional judge for every 50,000 population or major portion thereof in a county above 50,000 population. The term of the judge of the county court is made 6 instead of 4 years.

This section is a revision of part of Sec. 18, Art. VI, constitution of 1870, which provides:

of probate, guardianship, conservatorship and apprenticeship, the administration and settlement of estates of deceased persons and proceedings for the sale of real estate where required for the administration and settlement of such matters or estates, proceedings relating to taxes and assessments and their collection, and criminal cases below the grade of felony, (b) concurrent jurisdiction with the circuit courts in testamentary trusts, construction of wills and partition of real estate where any such proceeding is incidental to its original jurisdiction, (c) exclusive jurisdiction of appeals from justices of the peace and (d) such other jurisdiction as provided by law.

Section 115. County courts shall always be open for the transaction of business. The court shall sit at the county seat and shall also sit in cities in the county of twenty thousand population or more whenever suitable facilities for holding court are provided and maintained without expense to the county or state.

Justices of the Peace

Section 116. Justices of the peace and constables outside the county of Cook shall be elected or appointed in such towns or districts and such justices of the peace shall have such uniform jurisdiction as provided by law. They shall receive salaries from their respective towns or districts to be fixed by the county board.

Section 117. The chief justice of the civil division of the circuit court of Cook county shall appoint a justice of the peace and a constable in each town or portion of town in the county outside the city of Chicago, each of whom shall hold office for two years unless sooner removed by such chief justice for cause shown of record. An additional justice of the peace and constable may be appointed in every such town or portion of town for every additional ten thousand population therein or major portion thereof above a population of ten thousand. Such justices of the peace shall have the same jurisdiction and such constables shall perform the same duties in the part of the county of Cook outside the city of Chicago as like officials in the rest of the state. The salaries of such justices of the peace and constables shall be fixed by the county board and paid by the county.

Section 118. The offices of justice of the peace and constable or either of them may be abolished or restored in any town

County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlement of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

This section is new.

The fee system for justices of the peace and constables is abolished.

This section is a revision of Sec. 21, Art. VI, constitution of 1870, so far as applicable to Cook county.

This section is new.

or district (or in any town or portion of a town in the county of Cook or in that part of the county of Cook outside the city of Chicago as a whole) by a majority vote of the electors thereof voting on the question as provided by law.

State's Attorneys

Section 119. There shall be a state's attorney elected in each county in nineteen hundred twenty-four and every four years thereafter for a term of four years from the first Monday of December next after his election. At the time of his election or appointment he must be licensed to practice law in this state.

This section is a revision of Sec. 22, Art. VI, constitution of 1870, and requires a state's attorney at the time of his election to be licensed to practice law in this state.

General Provisions

Section 120. Laws relating to courts having the same jurisdiction and to the force and effect of the process, judgments and decrees of such courts severally shall be uniform.

This section is a revision of part of Sec. 29, Art. VI, constitution of 1870.

Section 121. The general assembly, upon due notice and opportunity for defense and for cause entered upon the journal of each house, may remove any justice or judge upon concurrence in each house of three-fourths of its members elected. All other officers mentioned in this article shall be removed from office on conviction for misdemeanor in office.

This section is the same as Sec. 30, Art. VI, constitution of 1870.

Section 122. Provision may be made by rule of the supreme court for the bringing of actions or proceedings in which a merely declaratory judgment or decree or order is sought and for authorizing the court to make a binding declaration of right whether or not any consequential relief may be claimed.

This section is new.

Section 123. Process shall run: In the name of the People of the State of Illinois. Prosecutions shall be carried on: In the name and by the authority of the People of the State of Illinois; and shall conclude: Against the peace and dignity of the People of the State of Illinois.

This section is the same as Sec. 33, Art. VI, constitution of 1870.

Section 124. Justices of the supreme court and judges of the appellate and circuit courts shall be at least thirty-five years of age and for at least ten years shall have been licensed to practice law in this state and for such time in this state shall have been engaged in the practice of law or acted as judicial officers or both. Judges of the county courts shall be at least thirty years of age and for at least five years shall have been licensed and had like experience.

This section is a revision of parts of Secs. 3 and 17, Art. VI, constitution of 1870.

Section 125. Judicial officers shall be commissioned by the governor and the appointing power to fill vacancies in elective judicial offices shall be vested in him except as otherwise provided herein.

This section is the same as parts of Secs. 29 and 32, Art. VI, constitution of 1870.

Section 126. The officers of the judicial department shall reside in the district, circuit or county for which they are respectively elected or appointed.

This section covers a part of the same subject matter as contained in Sec. 32, Art. VI, constitution of 1870, without any change in substance.

Section 127. Justices of the supreme court and judges of the appellate, circuit and county courts shall be paid salaries by the state which shall be uniform for the several courts except county courts. In the county of Cook judges of the appellate and circuit courts shall each receive the salary paid such judges respectively in the rest of the state and such further compensation from the county of Cook as provided by law.

This section is a revision of parts of Secs. 7, 11, 16, 25 and 32, Art. VI, constitution of 1870, and makes the salaries of all judges of courts of record, except the additional salaries in Cook county, payable by the state.

Section 128. No justice of the supreme court or judge of any court of record so long as he holds such office shall receive any compensation, perquisite or benefit other than his salary or engage in the practice of law.

This section is a revision of parts of Secs. 16 and 11, Art. VI, constitution of 1870.

Section 129. Whenever the supreme or appellate court districts are changed they shall be formed of contiguous counties as compact in form and as nearly equal in population as may be. No such change shall affect the term of any justice or judge.

This section is a revision of part of Sec. 5, Art. VI, constitution of 1870.

Section 130. The supreme court may temporarily assign judges of the appellate courts from one district to another and judges of the circuit courts from one circuit to another.

This section is new.

Section 131. If a judge of any circuit or county court is appointed judge of an appellate court, the vacancy so caused in the circuit or county court shall be filled by appointment by the supreme court. The judge so appointed to the circuit or county court shall serve until his successor is elected and qualified.

This section is new.

ARTICLE VI

Suffrage and Elections

Section 132. Excepting only idiots and persons adjudged insane or convicted of infamous crime and not restored to civil rights, every citizen of the United States above the age of twenty-one years who has resided in the state one year and (unless naturalized because of military or naval

This section is a revision of Sec. 1, Art. VII, constitution of 1870. The word "male" in that section of the present constitution is stricken out.

service) in the United States five years shall be a qualified elector. He may vote only in the election district and county in which he has resided thirty and ninety days respectively next before such election.

Section 133. No person shall be deemed to have lost his voting residence because of absence in the service of the state or the United States or to have gained a voting residence because he has been stationed as a soldier, seaman or marine in this state.

Section 134. Votes shall be by ballot.

Section 135. Except for treason, felony or breach of the peace electors shall be privileged from arrest during attendance at and in going to and returning from elections. Militia duty shall not be required of electors on election days except in time of war or public danger.

Section 136. In that part of the state outside the county of Cook no final election of officers, except justices of the supreme court in the district of which the county of Cook is a part, shall be held save on the first Tuesday after the first Monday of November which shall be a holiday; but after the first day of January, nineteen hundred twenty-seven, the general assembly by a vote of two-thirds of the members elected to each house may provide for the election of officers at other times.

Section 137. Every vacancy in an elective office which would continue a year or more beyond the first regular election occurring after ninety days shall be filled at such election; but such vacancy prior to the qualification of the person elected and all other vacancies may be filled by appointment.

Section 138. This article shall apply to all elections under this constitution or other law.

ARTICLE VII

Revenue and Finance—Revenue

Section 139. The power of taxation shall never be surrendered, suspended or contracted away. All taxes shall be levied and collected only under general law and for public purposes. Taxes levied for state purposes shall never be released, discharged or commuted. The specification

This section consolidates Secs. 4 and 5, Art. VII, constitution of 1870, without making any substantial change.

This section is the same as Sec. 2, Art. VII, constitution of 1870.

This section is the same as Sec. 3, Art. VII, constitution of 1870.

This section is new. It provides for a single final election day each year (outside of Cook county) subject to legislative change after January 1, 1927.

This section is new.

This section definitely fixes the qualifications for electors at all elections.

This section contains the provisions as to revenue which are general in their nature. The first two sentences of the section are new. The rest of the section is a revision of Secs. 2 and 6, Art. IX, constitution of 1870, without substantial change.

herein of objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

Section 140. Taxes may be imposed on privileges, franchises and occupations, uniform as to class.

Section 141. The general assembly shall provide for the levying of taxes upon property by valuation so that every person or corporation shall pay a tax in proportion to the value of his or its property, such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct and not otherwise.

Section 142. In lieu of any tax on intangible property or any kind or class thereof, by valuation, the general assembly may provide a uniform and substantial tax on the income derived therefrom. The rate of such tax shall be uniform on all incomes taxed under this section.

Section 143. A general income tax may be imposed upon all net incomes. If such income tax is graduated and progressive the highest rate shall not exceed three times the lowest rate.

Section 144. Taxes on incomes shall be levied and collected only by the state. The revenue raised under the general income tax shall be apportioned to the state and to the taxing bodies as the general assembly may prescribe. Of the revenue raised under any income tax imposed under section one hundred forty-two of this constitution there shall be used for state purposes the same percentage as is used from the total revenue from taxes by valuation and the residue shall be returned to the respective counties from which it was collected to be distributed among the taxing bodies thereof as provided by general law.

Section 145. Exemptions and deductions may be allowed as follows and not otherwise:

First, the following classes of property and the income therefrom may be relieved by general law from taxation; (1) public property; (2) household furniture used

This section is a revision of the last part of Sec. 1, Art. IX, constitution of 1870.

This section is the same in substance as the first part of Sec. 1, Art. IX, constitution of 1870.

This section is new. It does not provide for any additional tax but for an income tax as a substitute for a tax by valuation. It provides a method by which the large amounts of securities and other "intangible" property which have heretofore escaped taxation may be reached for taxation upon a plan which will permit the payment of a just tax without actual confiscation.

Secs. 143, 144 and 145 should be considered together. Sec. 143 does not establish an income tax but merely permits the general assembly to provide such a tax in the future if the needs of the state require it. Sec. 144 contains certain desirable restrictions on the general assembly if that body provides for income taxes. Sec. 145 incorporates the exemptions from taxation provided in Sec. 3, Art. IX, of the constitution of 1870, and also authorizes certain additional exemptions. The section further permits the general assembly to protect the taxpayer against double taxation by both a valuation tax and an income tax.

as such up to five hundred dollars in value; (3) parsonages owned and used as such; (4) property used exclusively for (a) agricultural and horticultural societies not organized for pecuniary profit, (b) incorporated societies of war veterans, (c) cemeteries not held for private profit and (d) school, charitable or religious purposes.

Second, if a general income tax is imposed as authorized in section one hundred forty-three of this constitution, the general assembly may provide for; (1) an exemption of all household furniture and implements of agriculture or labor used as such without limit as to amount; (2) an exemption from income derived from personal service of not to exceed one thousand dollars to the head of a family plus two hundred dollars for each dependent child under the age of sixteen years, and not to exceed five hundred dollars to any other person; (3) such deductions as shall compensate for taxes paid on property from which the taxed income is derived or for income tax paid in lieu of a tax by valuation or for taxes paid under section one hundred forty of this constitution.

Section 146. Areas devoted to forests or forest culture may be classified for or exempted from taxation.

Section 147. No contract, obligation or liability whatever of the Illinois Central Railroad Company to pay any money into the state treasury, nor any lien of the state upon, or right to tax property of, that company, in accordance with the provisions of the charter of that company, approved February tenth, in the year one thousand eight hundred fifty-one, shall ever be released, suspended, modified, altered, remitted, or in any manner diminished or impaired by legislative or other authority; and all moneys derived from that company after the payment of the state debt shall be appropriated and set apart for the payment of the ordinary expenses of the state government, and for no other purpose whatever.

Section 148. The general assembly may vest the corporate authorities of cities, villages, incorporated towns and park districts, jointly or severally, with power to make local improvements by special assessment, by special taxation of contiguous property or otherwise.

Section 149. No owner of real estate shall be divested of title for default in

This section is new.

This section is the same as the separate section on "Illinois Central Railroad", constitution of 1870.

This section is a revision of Sec. 9, Art. IX, constitution of 1870. It permits municipalities to join in making local improvements.

This section is a revision of Sec. 5, Art. IX, constitution of 1870.

payment of general or special taxes or assessments except upon sale by the county treasurer or by forfeiture to the state and in either case only after judgment of a court of record entered after notice as provided by law. Not less than two years shall be allowed to redeem from such sale or forfeiture. The general assembly may provide that the holder of a tax title based on any tax sale hereafter made may waive claim of title to the land sold and be subrogated to the lien for the tax or assessment for which the sale was made and proceed in equity to foreclose such lien with additional penalties as provided by law.

Section 150. The general assembly shall not impose taxes (except income taxes as authorized in this article) in municipal corporations for corporate purposes but may vest the corporate authorities thereof with authority to assess and collect taxes for all corporate purposes and shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law. Private property shall not be liable for such debts. Taxes imposed by municipal corporations shall be uniform as to persons and property.

Finance

Section 151. All taxes levied for state purposes shall be paid into the state treasury.

Section 152. No payment of money belonging to or for the use of the state shall be held to be made to any officer of the executive department until evidenced by the receipt of the state treasurer.

Section 153. Each general assembly shall make appropriations for the expenses of the government for a period of two years from the first day of July of the year in which it convenes. After such appropriations have been made the aggregate amount thereof shall not be increased except by a vote of two-thirds of the members elected to each house. All appropriations for any such two year period shall end with the period except that obligations incurred during the period may be paid within three months thereafter.

This section is a revision of Sec. 9 (in part) and Sec. 10, Art. IX, constitution of 1870.

This section is the same as Sec. 7, Art. IX, constitution of 1870.

This section is new.

This section is a revision of part of Sec. 18, Art. IV, constitution of 1870, which provides:

Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter.

Section 154. No money shall be drawn from the state treasury except under an appropriation made by law and on presentation of a warrant issued by the auditor of public accounts.

Section 155. The state may contract debts (a) for meeting casual deficits in revenue up to one million dollars, (b) for defense in war, suppressing insurrection or repelling invasion and (c) for the deep waterway as provided in this constitution. Money so borrowed shall be applied only to the purpose for which it is obtained or for the payment of the debts thus created. No other debt shall be contracted by the state unless the law authorizing it is approved by a majority of those voting for members of the house of representatives at a general election. The general assembly shall provide for the publication of any such law for at least three months before the election. Provision shall be made when the debt is contracted for the annual payment of interest either by a tax to be levied for the purpose or by setting aside other revenues. Any law providing for such tax shall be submitted in like manner with the law authorizing the debt and if approved shall be irrevocable.

Section 156. No county, town or school district shall become indebted in the aggregate including its existing debt to an amount exceeding five per cent, and no municipal corporation to an amount exceeding six per cent, of the value of the taxable property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. The corporate body incurring any such debt before or at the time of doing so shall provide for the collection of a direct annual tax sufficient to pay the interest on the debt and to pay the principal thereof in substantially equal annual installments within twenty years. But provision may be made before or at the time of incurring the debt for the payment of any part of it before maturity. This section shall not apply to or within the county of Cook.

Section 157. Except as otherwise provided in this constitution the money or or credit of the state shall never be used in aid of any public or private corporation, association or person.

Section 158. Claims against the state under agreements made without express authority of law shall be void except

This section is a revision of the first part of Sec. 17, Art. IV, constitution of 1870, without change in substance.

This section is a revision of part of Sec. 18, Art. IV, constitution of 1870.

This section is a revision of Sec. 12, Art. IX, constitution of 1870.

This section is a revision of Sec. 20, Art. IV, constitution of 1870, without change in substance.

This section is a revision of Sec. 19, Art. IV, constitution of 1870, without change in substance.

claims for expense incurred for defense in war, suppressing insurrection or repelling invasion.

Section 159. Except in payment of temporary rent, of temporary hospital service, of purchase price or (in the event and only in the event that public institutions or agencies are not adequate or available) of not to exceed the cost of temporarily maintaining and supporting during their terms of commitment, neglected, defective, dependent or delinquent persons committed by courts of competent jurisdiction to institutions or agencies under public inspection, no public money shall be paid or other public property be given or applied for any sectarian purpose or to any institution controlled by a church or sect.

ARTICLE VIII

Local Governments Counties

Section 160. In each county the following county officers shall be elected: a sheriff, a county clerk, a treasurer who shall be *ex officio* collector of taxes until otherwise provided by law, a coroner, a clerk of the circuit court and, in counties of sixty thousand population or more, a recorder of deeds.

Section 161. In each county there may be a county superintendent of schools whose qualifications, time and manner of election or appointment, term of office, power, duties and compensation shall be prescribed by law.

Section 162. The sheriff, the county clerk and the treasurer shall be elected in nineteen hundred twenty-six and every four years thereafter, and the coroner, the clerk of the circuit court and the recorder of deeds in nineteen hundred twenty-four and every four years thereafter, each for a term of four years. In counties not under township organization a commissioner shall be elected in nineteen hundred twenty-three and each year thereafter for a term of three years. The term of every elective county officer shall begin on the first Monday of December next after his election.

Section 163. The board of supervisors in counties under township organization,

This section is a revision of Sec. 3, Art. VIII, constitution of 1870, which provides:

Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation 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 purpose.

This section is a revision of part of Sec. 8, Art. X, constitution of 1870.

For provisions concerning the judge of the county court, see Sec. 127 of the new constitution.

This section is a revision of Sec. 5, Art. VIII, constitution of 1870, which provides:

There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation and time and manner of election and term of office shall be prescribed by law.

This section is a revision of part of Sec. 8, Art. X, constitution of 1870.

This section is new.

the county commissioners of the county of Cook and the county commissioners in counties not under township organization shall constitute the county board of their respective counties.

Section 164. No elected county treasurer shall succeed himself.

Section 165. Fees of county and town officers, as provided by law, shall be uniform as to classes of counties or towns and for this purpose there shall not be more than three classes of counties.

Section 166. The organization and government of and offices in counties as provided in this constitution may be changed by law uniform as to classes of counties; but any such law shall become effective in a county only after approval by a majority of those voting on the question.

Section 167. No county may abandon or adopt any form of organization unless a majority of those voting on the question shall approve the change.

Section 168. No county shall be changed in area unless the change is approved by a majority of those voting on the question in each county and each part affected. Any territory taken from a county shall be liable for its proportion of the debt of such county.

Section 169. No county seat shall be removed unless three-fourths of those voting on the question shall approve the removal to the place designated except that a majority only shall be required to remove a county seat nearer to the center of the county. No person shall vote on the question unless he has resided in the election precinct ninety days and in the county six months next preceding the election. Such question shall not be submitted oftener than once in ten years.

Counties other than the County of Cook

Section 170. There shall be an assessor in each county to be selected as provided by law. The county clerk shall be *ex officio* clerk of the county court. In

This section is a revision of part of Sec. 8, Art. X, constitution of 1870, which provides:

that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

This section is a revision of Secs. 11 and 12, Art. X, constitution of 1870.

This section is new.

This section is new.

This section is a revision of Secs. 2 and 3, Art. X, constitution of 1870.

This section is a revision of Sec. 4, Art. X, constitution of 1870.

This section is a revision of part of Sec. 8, Art. X, constitution of 1870.

counties of less than sixty thousand population the clerk of the circuit court shall be *ex officio* recorder of deeds. In counties of fifty thousand population or more an auditor may be selected as provided by law.

Section 171. The compensation of all county officers (except the county superintendent of schools) and the number and compensation of their employees shall be fixed by the county board and paid by the county treasurer on the order of the county board.

Section 172. No county shall be so created or reduced as to contain less than four hundred square miles nor shall any part of a county within ten miles of its seat be taken for a new county.

Section 173. Unless authorized by a majority of those voting at an election no county shall levy taxes in excess of three-fourths of one per cent of valuation. But in case a county is made the unit for the levy and collection of taxes for road and bridge purposes an additional amount not exceeding three-fourths of one per cent of valuation for such purposes may be levied which may be increased when authorized by a majority of those voting at an election.

This and the three preceding sections shall not apply to the county of Cook.

County of Cook

Section 174. The county business of the county of Cook shall be transacted by a board of fifteen commissioners, ten of whom shall be elected from the city of Chicago and five from the rest of the county.

Section 175. Each county officer in the county of Cook shall receive as his sole compensation a salary to be fixed by law. Such salary shall be less than the compensation of a judge of the circuit court of the county. The circuit court by rule entered of record shall determine the number and the county board shall determine the compensation of deputies and assistants of the sheriff, treasurer, coroner, recorder of deeds and clerk of the circuit court.

Section 176. The general assembly may consolidate with the city of Chicago the portion of the county of Cook lying within the city. Any law providing there-

This section is a revision of Sec. 10, Art. X, constitution of 1870, which provides:

The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, * * *

This section is the same as Sec. 1, Art. X, constitution of 1870.

This section is a revision of Sec. 8, Art. IX, constitution of 1870. The second and third sentence are new.

This section is the same as Sec. 7, Art. X, constitution of 1870.

This section is new.

This section is new.

for shall adjust the powers, offices, rights and liabilities of the county (both in the portion within the city and in the portion outside the city) and may either devolve them in whole or in part upon the city or provide otherwise for their exercise and assumption. Whenever the entire powers of any office are taken away the office shall be abolished. No such law shall take effect until approved both in the city of Chicago and in the portion of the county lying outside the city by a majority of those voting on the question.

Section 177. Unless authorized by a majority of those voting on the question at an election the county of Cook shall never levy taxes in excess of three-fourths of one per cent of valuation except such additional taxes as may have been authorized prior to the adoption of this constitution.

City of Chicago

Section 178. Except as expressly prohibited by law the city of Chicago is hereby declared to possess for all municipal purposes full and complete power of local self-government and corporate action. This grant of power shall be liberally construed and no power of local self-government or corporate action shall be denied the city by reason of not being specified herein. The city however may impose taxes and borrow money only as authorized by the general assembly or by this article. Until otherwise provided by the city charter the powers heretofore granted the city shall be preserved and exercised in accordance with law and the additional powers granted by this section shall be exercised by or in accordance with city ordinances.

Section 179. The legislative authority of the city of Chicago, from time to time and after approval of the proposition at an election in such manner as it may provide, may call an elective convention to frame a new city charter or to revise or amend any existing charter. The proposals of any such convention shall be submitted to the voters for adoption in the manner provided by it. Subsequent amendments may also be proposed and submitted to the voters in such manner as the charter may provide. State election laws and the powers and duties existing thereunder shall be available for the purposes of this section. The charter so framed, revised or amended and ordinances passed thereunder shall prevail over state laws so far

This section is the same as Sec. 8, Art. IX, constitution of 1870, limited to Cook county.

Secs. 178 to 193 inclusive are concerned with what has been called "Chicago Home Rule". There are no corresponding provisions in the constitution of 1870 except those found in Sec. 34, Art. IV, that section having been added as an amendment in 1904.

The new sections speak for themselves. In general terms it may be said they remove from the jurisdiction of the general assembly and vest in the authorities of the city of Chicago, so far as possible, all questions which affect the city above and do not concern the rest of the state. These new provisions are discussed at some length in the Address to the People (pp. 16-17), to which attention is directed.

See note above.

as the organization of the city government, the distribution of powers among its official agencies and the tenure and compensation of its officers and employees are concerned. Rates of compensation as well as conditions of appointment and promotion in the classified civil service of the city shall be determined according to a general plan which shall recognize merit and fitness as controlling principles. A certified copy of such charter or any amendment thereto shall be filed with the secretary of state within thirty days after its adoption.

Section 180. The city of Chicago shall have power to take in fee simple or otherwise or damage private property (including public utilities and the privileges or licenses held in connection therewith) for public use in accordance with law.

Section 181. The city of Chicago, subject to regulation by general law, may own, acquire, construct, operate, sell, pledge, lease or let public utilities or buy or sell the service thereof.

Section 182. The general assembly may enact local or special laws relating to the municipal affairs of the city of Chicago but such laws shall not take effect until the city consents. A law which at the time of its enactment is applicable to the municipal affairs of no other city than the city of Chicago shall be deemed a local or special law.

Section 183. The consent of the city of Chicago whenever required by this article shall be expressed by ordinance but the general assembly, the city charter or the ordinance may prescribe in addition approval of the ordinance by the voters.

Section 184. The consent of the city of Chicago shall be required for the creation, enlargement or consolidation of any municipal corporation (except a county) exercising taxing powers within the city or for any increase of the taxing powers of any such municipal corporation hereafter created or enlarged. No ordinance expressing consent to the creation, enlargement or consolidation of any municipal corporation shall take effect until ninety days after its enactment and if within that time either five thousand voters or one-third of the legislative authority of the city petition that body to submit the question at an election the ordinance shall not take effect until approved by a majority of those voting on the question.

See note above.

See note above.

See note above.

See note above.

See note above.

Section 185. The charter framed, revised or amended under section one hundred seventy-nine of this constitution may provide:

(a) For the consolidation with the city of Chicago of any or all local governments or other authorities (in whole or in part) now or hereafter exercising powers confined to the city limits; and also of that part of any town (partly within and partly without the city) now or hereafter lying within the city limits. After consolidation with the city of any town (or part thereof) the powers of all officers therein relating to collection of taxes shall be exercised by the county treasurer until otherwise provided by law.

(b) For the consolidation with the city of Chicago of the Sanitary District of Chicago and the Forest Preserve District of Cook County, or either of them. No consolidation of either of such districts shall take effect until approved at an election by a majority of those voting on the question both in the district and in the city. The question of consolidation of either district shall be submitted to the voters thereof as a separate proposition and the election officials responsible for conducting elections therein shall submit the question in the manner provided by the charter. The city shall exercise no taxing power outside its limits by virtue of consolidating either district. Upon consolidation of the Sanitary District of Chicago with the city of Chicago and until otherwise provided by law, the city shall furnish without charge sewage disposal service beyond its limits in the district, to the extent then furnished by the district; and the city may be required by law to furnish at cost additional or increased sewage disposal service in such territory. All duties or obligations imposed by law at the time of such consolidation for the benefit of the inhabitants of such territory or any part thereof upon the city or the Sanitary District of Chicago with respect to other forms of service shall be assumed by the city unless it is relieved therefrom by the general assembly.

Any authority consolidated with the city of Chicago under this section shall be abolished and the city shall succeed to all the powers, property and liabilities thereof. If any consolidation proposed under this section fails to be approved at any election, the question may be resubmitted from time to time in the manner provided by the charter.

See note above.

Section 186. After any consolidation authorized by the foregoing section has taken effect and until a new tax rate is fixed by law, the city of Chicago may levy an additional annual tax equal to the amount of taxes caused to be extended by the authority so consolidated upon the collector's warrants in the year last preceding consolidation.

See note above.

Section 187. The rights of the city of Chicago under the Act for the Consolidation of Local Governments, approved June twenty-ninth, nineteen hundred fifteen, or any amendment thereof are not affected by this article.

See note above.

Section 188. The general assembly may provide other methods for consolidating local authorities with the city of Chicago subject to its consent.

See note above.

Section 189. After any consolidation authorized by this article has taken effect the city of Chicago may become indebted in the aggregate up to seven per cent of the full value of the taxable real property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. In computing such aggregate amount there shall be included the existing indebtedness of the city and of all municipal corporations within the city and also the city's proportionate share (determined according to valuation of taxable real property) of the existing indebtedness of all municipal corporations partly within and partly without the city.

See note above.

Section 190. Neither the county of Cook nor any city, town, school district or other municipal corporation in the county shall become indebted in the aggregate including its existing debt to an amount exceeding seven per cent of the value of the taxable real property therein as ascertained by the last assessment for state and county taxes previous to incurring the debt. The corporate body incurring any such debt, before or at the time of so doing, shall provide for the collection of a direct annual tax sufficient to pay the interest on the debt and to pay the principal thereof in equal annual installments within twenty years. But provision may be made at the time of incurring the debt for the payment of any part of it before maturity.

See note above.

Section 191. The city of Chicago shall incur no new bonded indebtedness (except for refunding purposes) without the approval at an election of a majority of those voting on the question.

See note above.

Section 192. The city of Chicago may issue bonds (in addition to any debt otherwise permitted by this constitution) for the purpose of acquiring, leasing, constructing or operating income-producing property for supplying transportation or water. At or before the time of issuing any such bonds the city shall provide for the collection of a direct annual tax sufficient to pay the interest thereon and the principal thereof within forty years. Unless otherwise provided in the ordinance authorizing the issuance of any bonds for financing any such income-producing public utility, such bonds shall be held to be issued under the foregoing provisions of this section.

The city having issued bonds under the provisions of this section, thereafter at least four months before any tax for the payment of the principal and interest of any such bonds or for the payment of the principal and interest of any other indebtedness incurred for financing the same utility becomes collectible by law, shall deposit with the city treasurer, out of the gross earnings or the rentals of the utility for financing which the debt to be discharged by any such tax was incurred, a sum equal in amount to such tax. The money so deposited shall be used only to pay such principal and interest. To the extent that such funds are deposited prior to the collection of any such tax it shall not be collected.

The city having issued bonds under the provisions of this section shall thereafter establish and maintain such rates or charges for the service supplied or such rentals if the property is let for private operation as may be necessary to provide at least sufficient revenue to pay (a) the principal and interest of all outstanding bonded or other indebtedness incurred for financing such utility and (b) the cost or expense involved in or incidental to the ownership, operation or maintenance of such utility, including taxes, assessments and reserves for repairs and renewals necessary to maintain the property in first-class condition.

Any taxpayer of the city shall have the right, which shall not be exclusive in him, to enforce the provisions of this section by appropriate proceedings in the circuit court of the county. That court shall enforce the provisions of this section and for such purpose shall have all necessary powers including the power to regulate the service supplied by any such utility.

See note above.

Section 193. Each issue of bonds or other securities by the city for financing any income-producing public utility shall be payable in substantially equal annual installments of principal and interest combined, beginning not more than five years from the date thereof. But provision may be made at the time of incurring the debt for the payment of any part of it before maturity. No such bonds or other securities shall be issued without the approval at an election of a majority of those voting on the question. The city of Chicago if it owns or operates any such public utility shall conform to the same requirements for keeping accounts and for the audit thereof and for making reports as are prescribed by law for a like utility privately owned.

If the city of Chicago constructs or acquires a subway or other property for transportation purposes, it may let the property to an operating company but only for such period of time as may be approved at an election in the city by a majority of those voting on the question.

Publicly owned income-producing property of the city of Chicago (or of any local government or authority exercising powers within the limits of the city) used for supplying transportation shall be taxed in the same manner as privately owned property used for a like purpose, notwithstanding any other provision in this constitution.

Laws may be passed in aid of this and the preceding section.

ARTICLE IX

Public Servants

Section 194. An office is a public position created by the constitution or law continuing during the pleasure of the appointing power or for a fixed time with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished.

Section 195. To hold any office created by this constitution a person shall be a citizen of the United States, resident in this state one year and able to read and write the English language.

Section 196. No person shall hold any public office who has been convicted of an infamous crime or is in default as collector or holder of public money or if he holds any office under the United States (except as a postmaster whose annual compensation does not exceed three hundred dollars) or under a foreign government.

See note above.

This section is the same as Sec. 24, Art. V, constitution of 1870.

This section is a revision of Sec. 6, Art. VII, constitution of 1870, requiring as an additional qualification for any office created by the new constitution ability to read and write the English language.

This section is the same as parts of Secs. 4 and 3, Art. IV, and Sec. 11, Art. IX, constitution of 1870.

Section 197. All civil officers except members of the general assembly and such inferior officers as may be exempted by law, before they enter upon the duties of their respective offices shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of Illinois and that I will faithfully discharge the duties of the office of
 to the best of my ability.

No other oath, declaration or test shall be required as a qualification.

Section 198. All public officers shall hold office until their successors have qualified.

Section 199. No public officer shall have his term extended by law after his election or appointment.

Section 200. No legislative, executive or judicial officer and no officer of any county shall receive to his own use any fees, fines, costs, perquisites, percentages, interest, benefits, emoluments or allowances.

Section 201. No public officer shall have his compensation increased or diminished during his term.

Section 202. No extra compensation or allowance shall be given by law to any public officer, employee or contractor after service has been rendered or contract made.

Section 203. Every public officer shall make a report under oath at least semi-annually to some official to be designated by law of all fines, fees, costs, perquisites of office or public moneys collected. Every such officer shall pay at least monthly to some official designated by law all public moneys and interest thereon received by or for him.

Section 204. No officer of this state shall be beneficially interested directly or indirectly in any contract with the state. No officer of any subdivision of the state or of any municipal corporation or of any board or commission shall be beneficially interested directly or indirectly in any contract with the particular body of which he is an officer.

This section is the same as Sec. 25, Art. V, constitution of 1870.

This section is a revision of parts of Secs. 1 and 2, Art. V, and parts of Secs. 32 and 23, Art. VI, constitution of 1870, and extends the provision to all public officers.

This section is the same as Sec. 28, Art. IV, constitution of 1870.

This section is a revision of part of Sec. 21, Art. IV, part of Sec. 23, Art. V, and part of Sec. 16, Art. VI, constitution of 1870, and extends the restrictions to county officers.

This section is the same as parts of Sec. 21, Art. IV, Sec. 23, Art. V, Sec. 7, Art. VI, Sec. 11, Art. IX, Sec. 10, Art X, constitution of 1870.

This section is the same as part of Sec. 19, Art. IV, constitution of 1870.

This section is a revision of Sec. 13, Art. X, constitution of 1870, which provides:

Every person who is elected or appointed to any office in this State, who shall be paid in whole or in part by fees, shall be required by law to make a semi-annual report, under oath, to some officer to be designated by law, of all his fees and emoluments.

This section is a revision of parts of Secs. 25 and 15, Art. IV, constitution of 1870, which provide:

Sec. 25. * * * no member thereof (general assembly), or other officer of the State shall be interested, directly or indirectly, in such contract.

Sec. 15. * * * nor shall any member of the General Assembly be

Section 205. No statute of limitation shall begin to run in favor of a public officer until an audit of his accounts has been made as provided by law.

Section 206. Any public officer or employee or his beneficiary may be given by law a vested interest in the accumulated portion of any death, disability or retirement fund to which he is required by law to contribute a part of his compensation; but such interest shall attach only to the fund accumulated and shall impose no obligation on the state to create or maintain such fund.

Section 207. All laws of the State of Illinois and all official writings and legislative, executive and judicial proceedings shall be conducted, preserved and published in no other than the English language; but this shall not prevent the use of abbreviations in the files and records of judicial proceedings.

ARTICLE X

Education

Section 208. The general assembly shall provide a thorough and efficient system of free schools whereby all children of this state may receive a good common school education.

Section 209. The general assembly shall make adequate provision for the maintenance and development of the University of Illinois and the system of state normal schools.

Section 210. Property received for public education and the proceeds of such property shall not be diverted to another purpose except that by consent of the school officers holding legal title special assessments may be levied on school property.

Section 211. No school officer shall be financially interested in any contract concerning any school with which he is connected or in any book, apparatus or furniture used in such school.

interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

This section is new.

This section is new. Notwithstanding the provisions of Sec. 202, *ante*, this section permits the establishment and maintenance of public pension funds upon a sound business basis, and to that extent may be construed as an exception to the provisions of said Sec. 202.

This section is a revision of Sec. 18, Schedule, constitution of 1870. The last clause is new.

This section is the same as Sec. 1, Art. VIII, constitution of 1870.

This section is new.

This section is a revision of Sec. 2, Art. VIII, constitution of 1870. It allows special assessments to be levied on school property with the consent of the school officers.

This section is a revision of Sec. 4, Art. VIII, constitution of 1870, which provides:

No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

ARTICLE XI

Militia

Section 212. The militia of the State of Illinois shall consist of all able-bodied male persons resident in the state between the ages of eighteen and forty-five, except such persons as now are or hereafter may be exempted by the laws of the United States or of this state. No person, because of conscientious scruples against bearing arms, shall be exempted by the laws of this state from any military service declared by the governor to be noncombatant.

Section 213. All militia officers shall be commissioned by the governor and may hold their commissions for such time as the general assembly may provide.

Section 214. Members of the organized militia in all cases except treason, felony or breach of the peace shall be privileged from arrest during their attendance at and in going to and returning from musters and military elections.

Section 215. The military records, banners and relics of the state shall be preserved as enduring memorials of the patriotism and valor of the men of Illinois.

This section comprises Secs. 1 and 6, Art. XII, constitution of 1870. It is a revision as to Sec. 6, Art. XII.

This section is the same as Sec. 3, Art. XII, constitution of 1870.

This section is the same as Sec. 4, Art. XII, constitution of 1870.

This section is the same as Sec. 5, Art. XII, constitution of 1870.

ARTICLE XII

Warehouses and Common Carriers

Section 216. Elevators and storehouses where property is stored for compensation are public warehouses.

Section 217. The manager of every public warehouse in cities of over one hundred thousand population, or such population as may be provided by law, shall post conspicuously each week in the office of the warehouse a sworn statement of the amount and grade of grain and also of the other property stored therein and of the warehouse receipts outstanding and shall file a copy of the statement in a place designated by law. Changes in quantity and grade of grain stored shall be noted daily upon the statement in the warehouse. Unless the owner or consignee consents different grades of grain shipped in separate lots shall not be mixed.

Section 218. The holder of a public warehouse receipt may always examine the property and the warehouse records thereof.

Section 219. Railroads and other common carriers shall, at the point of ship-

This section is the same as Sec. 1, Art. XIII, constitution of 1870.

This section is the same as Sec. 2, Art. XIII, constitution of 1870.

This section is the same as Sec. 3, Art. XIII, constitution of 1870.

This section is the same as Sec. 4, Art. XIII, constitution of 1870.

ment, weigh or measure and receipt for the full amount of grain and deliver it to the consignee or owner.

Section 220. Railroads shall deliver grain to any consignee who can be reached by an available track and shall permit connections so that any public warehouse, coal bank or coal yard may be reached by cars.

Section 221. It shall be the duty of the general assembly to pass all necessary laws to prevent the issue of false and fraudulent warehouse receipts and to give full effect to this article, which shall be liberally construed to protect producers and shippers. The enumeration of remedies herein shall not be construed to deny to the general assembly the power to prescribe by law such other remedies as may be found expedient or to deprive any person of existing common law remedies.

Section 222. The general assembly shall pass laws for the inspection of grain and for the protection of producers, shippers and receivers of grain and produce.

Section 223. Railroads are hereby declared public highways and shall be free to all for the transportation of persons and property under such regulations as may be prescribed by law. The general assembly shall from time to time pass laws establishing reasonable maximum rates for the transportation of passengers and freight thereon.

Section 224. The general assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state and enforce such laws by adequate penalties to the extent if necessary of forfeitures of their property and franchises.

Section 225. Nothing in the two preceding sections shall be construed to limit the powers of the general assembly.

Section 226. The owner shall retain the fee of land taken for railroad tracks without his consent.

Section 227. Rolling stock and other movable property of common carriers shall be subject to execution sale.

This section is the same as Sec. 5, Art XIII, constitution of 1870.

This section is the same as Sec. 6, Art. XIII, constitution of 1870.

This section is the same as Sec. 7, Art. XIII, constitution of 1870.

This section is the same as Sec. 12, Art. XI, constitution of 1870.

This section is the same as Sec. 15, Art. XI, constitution of 1870.

This section is new.

This section is the same as the last sentence of Sec. 13, Art. II, constitution of 1870.

This section is the same as Sec. 10, Art. XI, constitution of 1870.

ARTICLE XIII

Canals and Waterways

Section 228. In addition to the proceeds of the twenty million dollars of bonds heretofore authorized for the deep waterway, ten million dollars may be appropriated therefor and all or part thereof secured by issuing bonds. The state shall make no other expenditure for any canal or waterway or appurtenance thereto except from the income thereof unless the expenditure is approved by a majority of all those voting at a general election.

Section 229. Except as provided in this article no waterway or canal owned or improved by the state shall be sold or leased until the proposition therefor is approved by a majority of those voting at a general election.

Section 230. The general assembly may authorize the lease of the Illinois and Michigan Canal or any part thereof to provide terminals in connection with the Illinois Waterway or other navigable channels. Such terminals shall be for public use without discrimination.

Section 231. Leases of state canals and waterways and of state property held in connection therewith including water power shall be subject to revaluation every twenty years.

ARTICLE XIV

Amendments to the Constitution

Section 232. Whenever two-thirds of the members of each house of the general assembly by a vote entered upon the journals concur that a convention is necessary to revise, alter or amend the constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the general assembly at the next session shall provide for a convention to consist of twice the number of members of the senate to be elected in the same manner, at the same places and in the same districts as senators, plus seven members to be elected at large from the county of Cook. The general assembly in the act calling the convention shall designate the day, hour and place of its meeting, fix the pay of its members and officers and provide for their payment and for the expenses necessarily incurred by the convention in the performance of its duties. Before entering upon their duties the members shall take an oath to

This section and the others of this article are revisions of separate section, "Canal," Amendment of 1908, present constitution. This section permits the general assembly to appropriate an additional \$10,000,000 for the deep waterway. Further expenditures for canals or waterways are permitted only upon a referendum.

This section makes no change except to accommodate the provisions of Sec. 230. See separate section, "Canal," Amendment of 1908, present constitution.

This section is new.

This section makes no change in the corresponding provision of separate section, "Canal," Amendment of 1908, present constitution.

This section is a revision of Sec. 1, Art. XIV, constitution of 1870, which provides:

Whenever two-thirds of the members of each house of the General Assembly shall, by a vote entered upon the journals thereof, concur that a convention is necessary to revise, alter or amend the Constitution, the question shall be submitted to the electors at the next general election. If a majority voting at the election vote for a convention, the General Assembly shall, at the next session, provide for a convention, to consist of double the number of members of the Senate, to be elected in the same manner, at the same places and in the same districts. The General Assembly shall, in the Act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the expenses necessarily incurred by the convention in the performance of its

support the constitution of the United States and the constitution of Illinois and to discharge faithfully their duties as members of the convention. The qualifications of members shall be the same as those of senators and vacancies shall be filled in the manner provided for filling vacancies in the general assembly. The convention shall meet within three months after the election and prepare such revision, alteration or amendments of the constitution as it deems necessary. Such revision, alteration or amendments shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose not less than two months nor more than six months after its adjournment. Unless so submitted and approved by a majority of those voting at the election no such revision, alteration or amendment shall take effect.

Section 233. Amendments to the constitution may be proposed in either house of the general assembly and if voted for by two-thirds of the members elected to each house such proposed amendments together with the yeas and nays of each house thereon shall be entered in full upon their respective journals. Such amendments shall be submitted in the manner prescribed by law to the electors for adoption or rejection at the next election for members of the general assembly and shall be published in full at least three months before the election. If electors equal in number to a majority of the votes cast for members of the house of representatives vote for the proposed amendments they shall become part of the constitution. The general assembly shall not propose amendments to more than two articles of the constitution at the same session nor to the same section oftener than once in four years.

duties. Before proceeding, the members shall take an oath to support the Constitution of the United States and the State of Illinois, and to faithfully discharge their duties as members of the convention. The qualification of members shall be the same as that of members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the General Assembly. Said convention shall meet within three months after such election and prepare such revision, alteration or amendments of the Constitution as shall be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two or more than six months after the adjournment thereof; and unless so submitted, and approved by a majority of the electors voting at the election, no such revision, alteration or amendments shall take effect.

This section is a revision of Sec. 2, Art. XIV, constitution of 1870, which provides:

Amendments to this Constitution may be proposed in either house of the General Assembly, and if the same shall be voted for by two-thirds of all the members elected to each of the two houses, such proposed amendments together with the yeas and nays of each house thereon, shall be entered in full on their respective journals, and said amendments shall be submitted to the electors of this State for adoption or rejection, at the next election of members of the General Assembly, in such manner as may be prescribed by law. The proposed amendments shall be published in full at least three months preceding the election, and if a majority of the electors voting at said election shall vote for the proposed amendments, they shall become a part of this Constitution. But the General Assembly shall have no power to propose amendments to more than one article of this Constitution at the same session nor to the same article oftener than once in four years.

SCHEDULE

NOTE. The Schedule follows in double columns. Its purpose is to bridge over the gap between the old and the new constitution.

That no inconvenience may arise from the alterations and amendments made to the constitution of this state and to carry them into effect it is hereby ordained and declared:

Section 1. All laws in force at the adoption of this constitution not inconsistent therewith and all rights, actions, prosecutions, claims and contracts of this state or of individuals or of bodies corporate shall continue to be as valid as if this constitution had not been adopted. An act entitled "An Act to Revise the Law in Relation to Banks and Banking" approved June twenty-third, nineteen hundred nineteen, shall continue in force unchanged until the first day of July, nineteen hundred twenty-five and thereafter until revised, repealed or amended.

Section 2. All fines, taxes, penalties and forfeitures due this state under the present constitution and laws shall inure to the people of this state under this constitution.

Section 3. Recognizances, bonds, obligations and all other instruments entered into before the adoption of this constitution to the people of this state or to any subdivision thereof or to any municipal corporation or to any public officer shall remain binding and valid. All crimes and misdemeanors shall be tried and punished as if no change had been made in the constitution of this state.

Section 4. All persons now holding offices or appointments shall continue the exercise of the duties thereof according to their respective commissions or appointments unless otherwise directed by this constitution or other law.

Section 5. Except as otherwise provided in this constitution and subject to such changes in their duties as are prescribed therein, all persons elected to office at the election in November, nineteen hundred twenty-two, shall continue in office during the terms for which they are respectively elected.

Section 6. In order that elections may be held regularly in November it is hereby provided as follows:

All officers elected to office prior to the election in November, nineteen hundred twenty-three, whose terms expire before that time shall hold office until their terms expire as now provided by law and at the expiration of their respective terms their successors shall be elected at that time to hold office during the regular terms provided by law and until their successors are elected at the next ensuing November election.

All officers elected to office prior to the election in November, nineteen hundred twenty-three, whose terms expire after that date and who are elected at other times than at the November election shall hold office for the terms for which they are elected and until their successors are elected at the next ensuing November election.

This section shall not apply to or within the county of Cook.

Section 7. The first apportionment for senators after the adoption of this constitution shall provide that three of the additional senators shall be elected at the first election for terms of two years and the other three additional senators for terms of four years.

Section 8. On the day this constitution is submitted to the people for ratification an election shall be held for two justices of the supreme court in the seventh judicial district. Every person in that judicial district who is entitled to vote for this constitution shall be entitled to vote for such justices. The election shall otherwise be conducted, returns made and certificates of election issued in accordance with existing laws. If it appears upon the canvassing of the votes for and against this constitution that this constitution is not adopted, then no certificates of election shall be issued for such justices. If they are elected and commissioned such justices shall hold office, one until the first Monday of June, nineteen hundred thirty-one and one until the first Monday of June, nineteen hundred thirty-three.

Successors to the justices now in office shall be elected in the seventh district on the first Monday of June and in the other

districts on the first Tuesday after the first Monday of November in the years in which their respective terms expire. One justice for each of the first and third districts shall be elected for a term to expire on the first Tuesday after the first Monday of November, nineteen hundred thirty-three; one justice for the second district shall be elected for a term to expire on the first Tuesday after the first Monday of November, nineteen hundred thirty-five; one justice for the fourth district shall be elected for a term to expire on the first Tuesday after the first Monday of November, nineteen hundred thirty-nine; one justice for each of the fifth and sixth districts shall be elected for a term to expire on the first Tuesday after the first Monday of November, nineteen hundred thirty-seven; one justice for the seventh district shall be elected for a term to expire on the first Monday of June, nineteen hundred thirty-five.

Section 9. The clerk of the supreme court and the clerks of the appellate courts in office at the time of the adoption of this constitution shall continue to hold office during the terms for which they are respectively elected.

Section 10. The judges of the circuit and superior courts of Cook county now serving as judges of the appellate court of the first district and its branches shall become judges of the appellate court of the first district under this constitution to hold office until January first, nineteen hundred twenty-nine. The judges of the appellate court of the second district, the appellate court of the third district and the appellate court of the fourth district under this constitution shall be appointed by the supreme court as soon as may be after the adoption of this constitution to hold office until January first, nineteen hundred twenty-eight.

Section 11. Until otherwise provided by law judges of the appellate court of the first district shall each receive the same salary as is paid a judge of the circuit court of Cook county and judges of the appellate courts of the second, third and fourth districts shall each receive a salary of eight thousand five hundred dollars per annum. Such salaries shall be payable in the same manner, at the same time and from the same sources as the salaries of judges of the circuit courts within such districts respectively.

Section 12. On May seventh, nineteen hundred twenty-three, the circuit, superior, criminal, county and probate courts

of Cook county, the municipal court of Chicago and the city court of Chicago Heights shall be consolidated into one court to be known as the circuit court of Cook county and thereupon all such courts except that last mentioned shall be abolished. The offices of judge and clerk of the city court of Chicago Heights shall thereupon be abolished.

Section 13. The judges of the circuit, superior, county and probate courts of Cook county and the chief justice of the municipal court of Chicago in office on May seventh, nineteen hundred twenty-three (except the judges of the circuit and superior courts of Cook county made judges of the appellate court of the first district by the adoption of this constitution whose offices as judges of the circuit and superior courts of Cook county thereby cease to exist) shall be judges of the circuit court of Cook county as thus consolidated and shall continue to hold office during the terms for which they are respectively elected or appointed and until their successors are elected and qualified. The associate judges of the municipal court of Chicago in office on May seventh, nineteen hundred twenty-three, shall be associate judges of the circuit court of Cook county as thus consolidated and shall continue to hold office during the terms for which they are respectively elected or appointed and until the first Monday of June next following, respectively, when their respective offices as associate judges of that court shall be abolished. There shall be elected to the office of judge of the circuit court of Cook county for terms of six years, except as hereinafter otherwise specifically provided, on the first Monday of June of the years following: In nineteen hundred twenty-three, nine judges as successors to the judges whose terms expire in that year; in nineteen hundred twenty-five, one judge as successor to the judge whose term expires in nineteen hundred twenty-four and one judge as successor to the judge whose term expires in nineteen hundred twenty-five, together with eight additional judges; in nineteen hundred twenty-seven, two judges as successors to the judges whose terms expire in the year nineteen hundred twenty-six, and seventeen judges as successors to the judges whose terms expire in the year nineteen hundred twenty-seven; in nineteen hundred twenty-seven, eight additional judges for terms of four years; and in nineteen hundred twenty-nine, four judges as successors to the judges whose terms expire in

the year nineteen hundred twenty-eight, nine judges as successors to the judges whose terms expire in the year nineteen hundred twenty-nine, together with eight additional judges, one of whom shall hold office for the term of two years.

Section 14. Such associate judges of the circuit court of Cook county shall perform such judicial duties as may be assigned to them in the classes of cases which would have been within the jurisdiction of the criminal court of Cook county at the time of the adoption of this constitution and also in the classes of cases arising in the county of Cook which would have been within the jurisdiction of the municipal court of Chicago if they had arisen in the city of Chicago prior to the adoption of the constitution. During their respective terms of office as such associate judges they shall receive the salaries allowed them by the laws in force on May first, nineteen hundred twenty-two, one-half of which shall be payable out of the state treasury and one-half out of the treasury of the county of Cook.

Section 15. The judges of the circuit courts in each circuit (other than the county of Cook) in office at the time of the adoption of this constitution shall continue to hold office during the terms for which they are elected or appointed and until their successors are elected and qualified.

Section 16. The judge of the county court of Cook county in office at the time of the adoption of this constitution shall continue to exercise during his term of office or until otherwise provided by law the same control and supervision over all matters of election as now provided by law. The general assembly prior to July first, nineteen hundred twenty-five, shall provide that all such authority and supervision shall devolve upon some elective county officer or officers.

Section 17. On December third, nineteen hundred twenty-three, the county and probate courts in each county (other than the county of Cook) where both exist shall be consolidated into one court to be known as the county court.

Section 18. The judges of the county and probate courts (in counties other than the county of Cook) in office on December third, nineteen hundred twenty-three, shall be judges of the county court as thus consolidated, at which time the office of judge of the probate court or probate

judge shall be abolished. They shall hold office during the terms for which they were elected and until their successors are elected and qualified. Counties having a population of less than seventy-five thousand, which have a county judge and a probate judge at the time of the adoption of this constitution, shall elect in nineteen hundred twenty-seven two county judges.

Section 19. Unless the general assembly prior to December third, nineteen hundred twenty-three, fixes the salaries of county judges and probate judges (other than those of the county of Cook) who are made judges of the county courts as thus consolidated, the salaries of such judges after the date last mentioned and until otherwise provided by law shall be as follows: The present salary of each judge shall be increased to two thousand five hundred dollars in counties having a population of fifteen thousand or less, to four thousand dollars in counties having a population of more than fifteen thousand and less than forty thousand and to five thousand dollars in counties having a population of forty thousand or more. Each county shall continue to pay the present salaries until the whole of such salaries becomes payable out of the state treasury as provided in this constitution. Until that time the increases of salaries provided herein shall be payable monthly out of the state treasury. The word population as used in this section means the population as shown by the federal census of nineteen hundred twenty.

Section 20. The provisions of section one hundred twenty-eight of this constitution so far as they affect the judges of county and probate courts (outside the county of Cook) shall not become effective until December third, nineteen hundred twenty-three, unless the general assembly provides that increased salaries be paid prior to that date.

Section 21. The clerk of the circuit court of Cook county in office on May seventh, nineteen hundred twenty-three, shall be clerk of that court as consolidated by this schedule. The clerks of the superior, criminal, county and probate courts of Cook county and the clerk of the municipal court of Chicago on that date shall become associate clerks of the circuit court of Cook county to hold office for the terms for which they are respectively elected; and as near as may be they shall exercise the same powers (including those relating to the appointment and discharge

of employees and to the collection and disbursement of moneys), perform the same duties and receive the same salaries as on May seventh, nineteen hundred twenty-three. If a vacancy occurs in the office of clerk of the circuit court of Cook county prior to the election in November, nineteen hundred twenty-four, such vacancy shall be filled by a majority of the judges and associate judges of the circuit court of Cook county by appointing one of such associate clerks who shall hold office until the election in November, nineteen hundred twenty-four.

Section 22. The circuit court of each county is hereby continued and on the first Monday of November, nineteen hundred twenty-seven, the circuit and city courts in each county (other than the county of Cook) where both courts exist shall be consolidated into one court to be known as the circuit court and thereupon the offices of judge and clerk of all such city courts shall be abolished.

Section 23. The offices of justice of the peace and constable existing at the time of the adoption of this constitution shall be abolished from and after the election or appointment and qualification of justices of the peace or constables in their respective districts, towns or portions of towns in accordance with the provisions of this constitution.

Section 24. The clerk of the county court of each county (other than the county of Cook) in office on December third, nineteen hundred twenty-three, shall be clerk of the county court as consolidated by this schedule and the clerk of the probate court of each county (other than the county of Cook) having a probate clerk shall become the chief deputy county clerk of such county court during the term for which he is elected and at the salary received by him at the time of the adoption of this constitution; and as near as may be he shall exercise the same powers (including those relating to the appointment and discharge of employees and to the collection and disbursement of moneys) and perform the same duties as on December third, nineteen hundred twenty-three. At the expiration of the terms of office of the probate clerks in office on December third, nineteen hundred twenty-three, the office of probate clerk shall be abolished.

Section 25. The bailiff of the municipal court of Chicago in office on May seventh, nineteen hundred twenty-three, shall become associate sheriff of the county of

Cook and hold office during the term for which he is elected. After the date last mentioned and during his term he shall receive the same salary and have as near as may be the same powers, duties and responsibilities as before that date, including the selection, appointment and removal of his employees and the collection and disbursement of moneys.

Section 26. Each court into which by the provisions of this constitution other courts are consolidated shall immediately upon such consolidation succeed to and assume jurisdiction of all causes, matters and proceedings then pending in all courts of which it is the successor, with full power and authority to dispose of them and to carry into execution or otherwise to give effect to all orders, judgments and decrees theretofore entered by the respective courts thus consolidated.

Section 27. From and after May seventh, nineteen hundred twenty-three, and until otherwise provided by law, all matters of fees and costs connected with proceedings in the circuit court of Cook county shall be regulated by rules to be adopted by the supreme court.

Section 28. All judicial circuits established by law at the adoption of this constitution shall be preserved until changed by law.

Section 29. This constitution shall be submitted to the people of the State of Illinois for adoption or rejection at an election to be held on Tuesday, December twelfth, nineteen hundred twenty-two. The county clerks of the respective counties of this state shall give notice between the first and tenth days of November, nineteen hundred twenty-two, in the manner required by law for notices of general elections that at such election this constitution will be submitted to the electors of this state for adoption or rejection.

Section 30. Every person entitled to vote under the provisions of existing laws shall be entitled to vote for the adoption or rejection of this constitution and such persons shall vote by ballot. Such election shall be conducted and the returns thereof made according to the laws now in force regulating general elections.

Section 31. The officers now required by law in the case of general elections to provide election supplies for each precinct or district shall provide in the manner now required by law for conducting general

elections all necessary poll books, tally sheets, forms of return, ballots and supplies for such election.

Section 32. The ballots to be used at such election shall be substantially in the following form:

**Proposed New Constitution Election
Ballot**

SHALL THE PROPOSED NEW CONSTITUTION BE ADOPTED	YES	
	NO	

Section 33. The elector shall designate his vote by a cross mark thus, X, to be placed in one of the squares on the right-hand margin of the ballot.

Section 34. The ballots cast for and against the adoption of this constitution shall be received and canvassed by the judges and clerks of such election and returned as provided by law for general elections.

Section 35. Within fifteen days after such election, returns thereof shall be made by the several county clerks to the secretary of state which shall show (a) the aggregate number of electors voting in each county, (b) the aggregate number of votes cast for the adoption of this constitution and (c) the aggregate number of votes cast against the adoption of this constitution. Such returns shall within ten days thereafter be examined and canvassed by the secretary of state, the attorney general, the state treasurer and the auditor of public accounts or any three of them in the presence of the governor and proclamation shall be made by the governor forthwith of the result of the canvass. If it appears that a majority of the votes cast are for the adoption of the new constitution it shall be the supreme law of the State of Illinois on and after twelve o'clock noon of Monday January fifteenth, nineteen hundred twenty-three, and the existing constitution shall thereupon cease in all its provisions.

Done in convention at the capitol in the city of Springfield on the twelfth day of September in the year of our Lord one thousand nine hundred twenty-two, of the Independence of the United States of America the one hundred forty-seventh and of the statehood of Illinois the one hundred fourth.

In witness whereof we have hereunto subscribed our names.

CHARLES E. WOODWARD
President

B. H. McCANN
Secretary

EDWARD E. ADAMS
STANLEY ADAMKIEWICZ
PERCIVAL G. BALDWIN
GEORGE A. BARR
WILLIAM H. BECKMAN
RODNEY H. BRANDON
JOHN J. BRENHOLT
EDWARD H. BREWSTER
CHARLES D. CARY
OSCAR E. CARLSTROM
B. L. CATRON
WILLIAM H. CHEW
ELAM L. CLARKE
E. B. COOLLEY
EDWARD CORLETT
WILLIAM H. CRUDEN
ABEL DAVIS
RUFUS C. DAWES
FREDERIC R. DEYOUNG
CYRUS E. DIETZ
JOHN L. DRYER

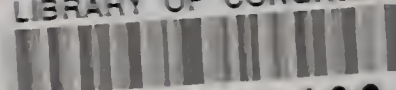
HENRY M. DUNLAP
GEORGE A. DUPUY
PHILIP E. ELTING
JOSEPH W. FIFER
THOMAS F. FROLE
EDGAR E. FYKE
GEORGE C. GALE
WILLIAM GANSCHOW
BRUCE H. GARRETT
SYLVESTER J. GEE
G. GALE GILBERT
A. F. GOODYEAR
WILLIAM S. GRAY
HENRY I. GREEN
CHARLES H. HAMILL
WILLIAM T. HOLLENBECK
MORTON D. HULL
MICHAEL IARUSSI
CHARLES H. IRELAND
JAMES P. JACK
LEWIS A. JARMAN

LAWRENCE C. JOHNSON
 WATTS A. JOHNSON
 THOMAS C. KERRICK
 ERNEST KUNDE
 GEORGE P. LATCHFORD
 HERBERT F. LILL
 CICERO J. LINDLY
 DAVID E. MACK
 WILLARD M. McEWEN
 SYLVESTER W. McGUIRE
 CHARLES J. MICHAL
 AMOS C. MILLER
 ANDREW H. MILLS
 CHARLES B. T. MOORE
 JAMES NICHOLS
 MARTIN J. O'BRIEN
 JAMES H. PADDOCK
 CHARLES V. PARKER
 S. E. PINCUS
 B. H. PINNELL
 FRANK J. QUINN
 THOMAS RINAKER
 MICHAEL ROSENBERG
 WILLIAM M. SCANLAN

DAVID E. SHANAHAN
 CHARLES A. SHUEY
 ROLLO SIX
 ARTHUR M. SMITH
 DOUGLAS SUTHERLAND
 ALBERT E. TAFF
 HIRAM E. TODD
 H. E. TORRANCE
 WILLIAM E. TRAUTMANN
 WILLIAM A. WALL
 ALVIN WARREN
 FRANK S. WHITMAN
 WALTER H. WILSON
 OSCAR WOLFF
 CHARLES WOODWARD
 HENRY W. MEINERT
 CHARLES S. CUTTING
 JOHN J. GORMAN
 JOHN E. TRAEGER
 ALEXANDER H. REVELL
 GEORGE W. HOGAN
 HARRY H. STAHL
 WILLIAM J. SNEED

Note. Members of the constitutional convention who were not present to sign the enrolled document on September 12 may affix their signatures at any time before or on Tuesday, December 12, 1922, which is the date of the special election.

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