

THE GOVERNMENT OF INDIANA

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PREFACE

It has been the purpose of the author to outline the practical facts relating to our state and local government so as to give the student an accurate idea of them.

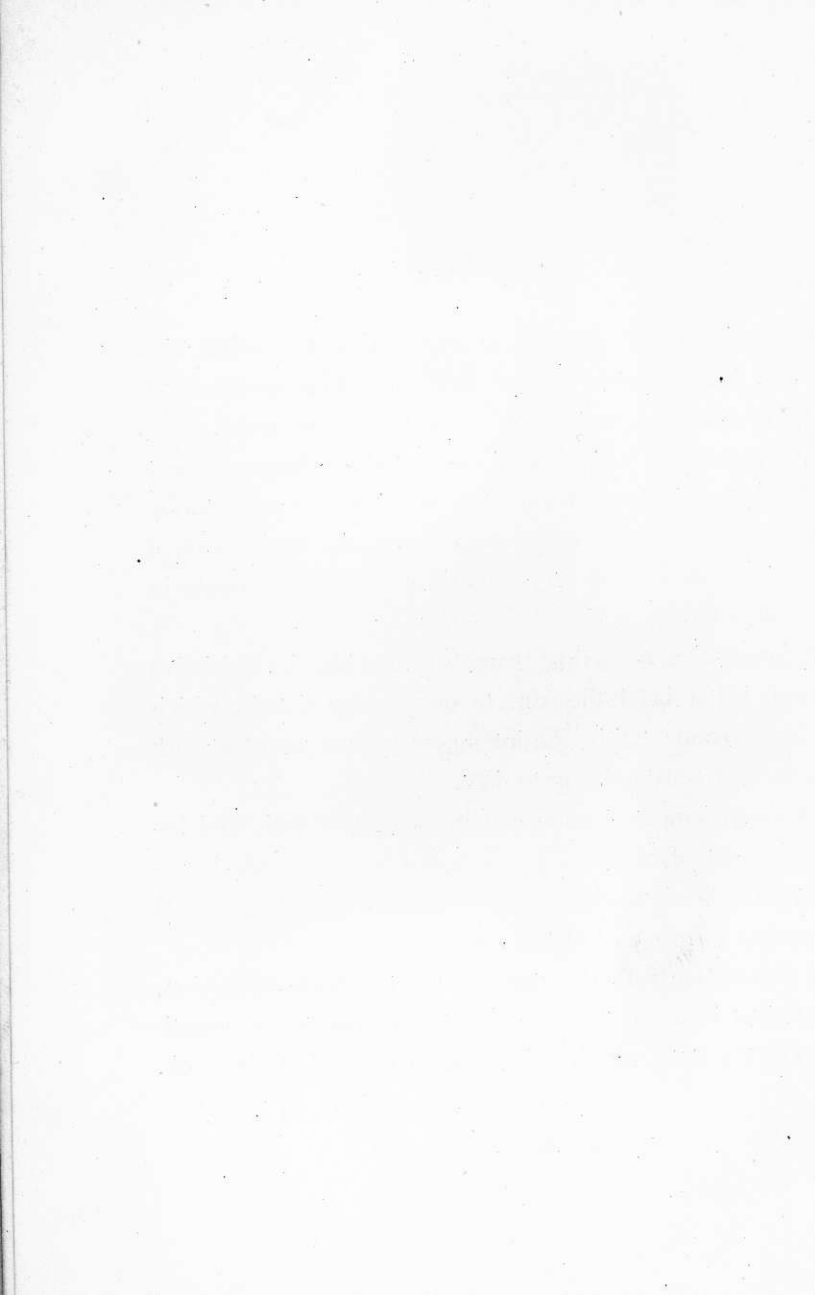
The author has had in mind the fact that a large per cent of the future citizens of our state will have no opportunity to learn of their government while attending school, except that which is offered in connection with their work in elementary civics.

Because of oft-occurring changes in our laws by legislative process, it has been the aim to omit many details, which can be supplemented by the intelligent teacher, and the work thus be kept constantly up to date.

This supplement is published in connection with, and becomes a part of, Boynton's "School Civics," to which frequent reference is made. These references should be looked up, as they form a part of the text.

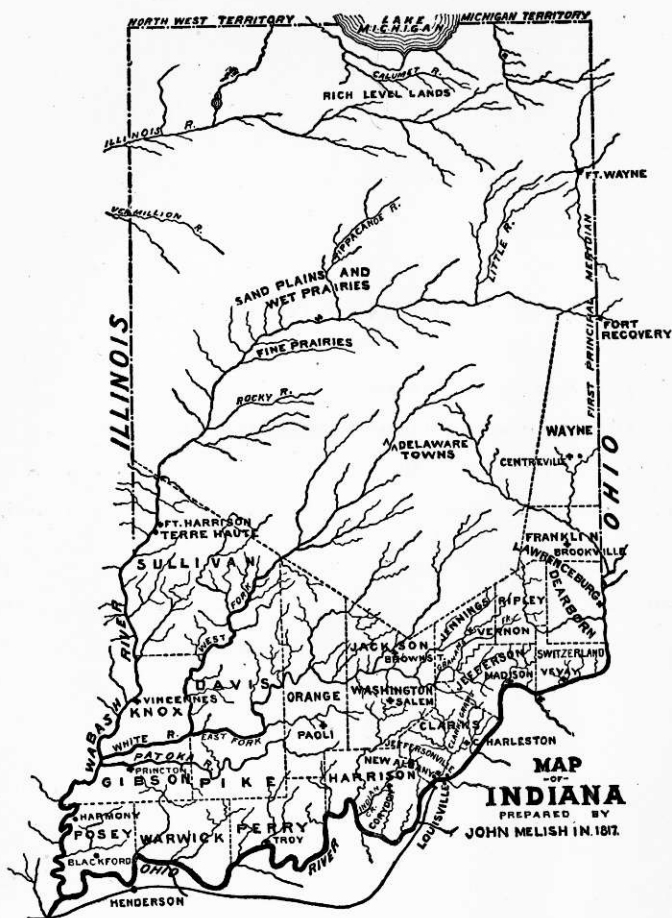
In connection with the study of the text-book discussion, the student is urged to make direct reference to the constitution of the state, which is included at the end of the book.

HARLOW LINDLEY



CONTENTS

CHAPTER	PAGE
I. THE MAKING OF INDIANA	7
II. THE PREAMBLE, BILL OF RIGHTS, AND ELECTIONS . .	19
III. THE STATE GOVERNMENT	26
IV. LOCAL GOVERNMENT IN INDIANA	55
APPENDIX. CONSTITUTION OF THE STATE OF INDIANA . .	79
INDEX	109



THE GOVERNMENT OF INDIANA

CHAPTER I

THE MAKING OF INDIANA

Little is known of North America before its discovery in 1492, but we know that in prehistoric times some human beings are supposed to have inhabited the central part of what is now the United States. The only evidences we have are the mounds found along the streams and in fertile places. These early inhabitants are called the mound builders. The first inhabitants of whom we know anything definite were Indians.

In the beginning of the sixteenth century, after the discovery of the continent, some Jesuit missionaries explored the territory around the lakes, and a little later French traders came down from Canada and established a few trading posts along the Ohio River and smaller rivers in Indiana and Illinois. These posts began to grow, and in a few years French settlers came to the posts, forming small villages, and the French then laid claim to the country. Trade, chiefly in furs, was carried on for several years. More French settlers came and more villages were formed. The king wanted to form a line of forts along the Maumee and Wabash rivers and on down the Mississippi to New Orleans. Three of these

forts were in Indiana, of which Vincennes was the most important. Thus they were actually occupying the country a half century before the English had even explored it.

About the middle of the eighteenth century the English, who already had colonies on the Atlantic coast, entered the territory, intending to make trade points and settlements. Thus both France and England claimed the territory. Immediately disputes arose, which ended in skirmishes, and the English secured possession of the territory at the close of the French and Indian War in 1763, when, by the terms of the Treaty of Paris, the French claims east of the Mississippi River were transferred to England and the government was administered by English military officers. They did little to colonize it. They were opposed to the colonists of the Atlantic coasts emigrating across the mountains just because they were afraid the colonists would get to be too strong and powerful for English subjects. They wanted to use it for trading. But this was only an incentive to the colonists, and they began settling it immediately. The three French settlements in Indiana, — Fort Wayne, Vincennes, and Ouiatanon, — after the French officers had abandoned them, were points where the colonists settled in small numbers at first.

In 1772 General Gage sent out a proclamation commanding all persons who had settled west of the Allegheny Mountains to leave the country and settle in the English colonies to the east. This meant the French settlers also. These settlers had lived in the territory several years and they claimed that the land had been given to them by the French king. Gage went to England to get the king's sanction, but England was just on the border of the Revolutionary War with the colonists and the king wanted to be friendly with the French

settlers so that he might have France on his side. He gave the settlers back their old laws and privileges and thus made them friendly to him. They had little to do with the war in the East, but together with the Indians they made life miserable for the few colonial settlers who had settled in the territory.

Toward the close of the Revolutionary War, George Rogers Clark, acting under a commission of Patrick Henry, governor of Virginia, appeared in 1778 from across the mountains and changed the whole history of the territory. Clark was called "the Hannibal of the West." He soon saw how the British were imposing upon the French and Indians and how in turn the French, and especially the Indians, were mistreating the Virginia settlers in Kentucky. He petitioned the Virginia legislature for troops, and after some trouble and much perseverance he finally obtained a few hundred men and some supplies and went across the mountains to conquer the West, for he saw that that was the only way the Americans could have any peace. Then followed his campaign in the "Illinois country," in which he gained Vincennes and Kaskaskia, succeeded in winning the friendship of the French and most of the Indian tribes, and made it possible for the American colonists to settle there permanently, thus securing for Virginia a further claim upon the territory northwest of the Ohio River, as a part had been originally claimed under her colonial charter.

At the end of the Revolutionary War, in the Treaty of Paris, England was compelled to give up her claim to the territory between the Appalachian Mountains and the Mississippi River to the colonies. The territory north of the Ohio River, called "Illinois," together with Kentucky were recognized as counties of Virginia by the Virginia legislature.

Besides Virginia, the New England colonies and New York held claims to the Northwest Territory. According to their charters, each had a rightful claim, but Virginia considered her claim the most stable on account of Clark's conquests. The colonies were deeply in debt, and this might be lessened by the sale of lands from the western territory. They had been united in war and all had claims to the territory. After much discussion and persuasion from congress the colonies all donated their claims to congress, and the western territory became public domain (Boynton, § 81). In 1783 the Virginia legislature passed an act empowering her delegates in congress to make a deed ceding the territory northwest of the Ohio River to the United States, and Massachusetts, Connecticut, and New York soon after surrendered their claims to the northern part of this territory. Congress had suggested that it be "disposed of for the common benefit and be formed into distinct republican states, which shall become members of the federal union" (Boynton, § 292). This acquisition of territory was effective in helping to preserve the union of the colonies.

In 1784 congress passed an ordinance for the government of the territory northwest of the Ohio River, but it was practically inoperative, as no new settlements were made under its provisions. It provided for the formation of new states to have republican governments and be admitted into the confederation. This was Thomas Jefferson's plan. A New England land and emigration company, called the Ohio Company, attempted to colonize the western territory. Before ceding the lands to the public many of the colonies had given grants to their soldiers to pay for services in the war with England. On this account the settlers of New England would not

emigrate without specific guarantees of civil rights to the lands where they settled. The company urged congress to take some action to secure the lands to the settlers, so congress passed the ordinance of 1787, which superseded the ordinance of 1784.

The ordinance of 1787 (Boynton, §176) applied to the territory northwest of the Ohio, providing for the formation, in time, of from three to five states. At first congress was to appoint the governor, judges, and military officers of the new territory. The governor and judges were to have legislative powers, subject to the veto of congress. As soon as the population reached five thousand free males, the inhabitants were to elect delegates who should form a house of representatives. This, with a governor and council¹ appointed by congress, was to form the territorial assembly. The assembly had full legislative power, which was to comply with the propositions of the ordinance. It could appoint a delegate to congress, but he could not vote there. When the population reached sixty thousand the territory was to be admitted to the confederation on an equal basis with the thirteen original states.

The settlers were guaranteed civil rights, such as habeas corpus, trial by jury, and bail. Education was encouraged, and here was begun that liberal educational policy which has, in a large degree, contributed to the intelligence, morality, and prosperity of the Northwest, and the fruits of which we find in Indiana's present excellent school system. Other important provisions were the equal distribution of the property of persons dying intestate, the prohibition of molesting

¹ This council consisted of five men selected from a list of ten submitted by the territorial house of representatives.

any one on account of his religion, and the forbidding of slavery "absolutely and forever" except as a punishment for crime. The ordinance of 1787 is considered as one of the greatest state papers in American history, and we cannot fully understand and appreciate Indiana's later constitutional history without having a knowledge of this ordinance, the wise provisions of which have had such a great influence on Indiana's governmental affairs.

In 1789 the first congress under the present constitution of the United States recognized the binding force of this ordinance and provided for carrying its provisions into effect. This was the first provision for government ever really exercised over the territory of which Indiana is a part, after it became a part of the United States.

Arthur St. Clair was elected governor of the territory in October, 1787, and three judges were appointed; also necessary laws were made in accordance with the ordinance.

There were many things which made the settling of the territory slow. The English in Canada were encouraging the Indian tribes all the while to make all the trouble they could for the settlers, and the Indians did a great deal of their own accord. Besides, there were many French settlers, especially in Indiana and Illinois. The majority of the New England settlers were in Ohio, although there were quite a number in the western part of the territory. The French had been given large grants of land, but they were not ambitious enough to cultivate it, so they sold it to the settlers for as low as fifty cents an acre. They preferred living in poverty and spending most of their time in dancing and debauchery.

The Indians brought things to a head by making an attack on the settlers, resulting in a war which lasted five years. The

Indians were in the main successful until General Wayne met an army at the rapids and defeated them in August, 1794. A fort was garrisoned not far away and was called Fort Wayne, on the site of which stands the city of the same name. Congress saw that something must be done after such an uprising among the Indians, so in 1794 John Jay went to London to negotiate a treaty with England. It took him most of that year, but he accomplished his purpose. The treaty provided that the king should withdraw all his troops from posts within the United States before June, 1796. When the Indians found that their backing was gone Wayne had no trouble in exacting a treaty, whereby the United States secured most of the important locations.

The population now began to increase rapidly. Settlers could come and buy land and be sure of owning it, for the Indians gave up all claim to it. Indiana had not been settled very rapidly. The most of the settlers were in Clark's grant¹ and in the southeast corner of the state. The government was loose. The French and Americans were so widely different that it was hard to establish a government. Both suffered many privations after the Indian wars, for their crops had been spoiled. The Ohio settlers, however, sent them food.

St. Clair and the judges devoted themselves to making some laws, and in May, 1795, they drew up an elaborate code, called the Maxwell code, but it was never of much use.

In 1798, when it was decided that the population was sufficient, twenty-two representatives were chosen for delegates to a general assembly, of which number Indiana had one.

¹ 150,000 acres were granted to George Rogers Clark by Virginia, as compensation for his military services in the Northwest Territory in behalf of the state.

President Adams chose five for a council, among whom was Vanderburg of Vincennes, who was made president.

The territorial house was organized September 23, 1799, and on October 3 Harrison was elected delegate to congress by a majority of one over Arthur St. Clair.

In 1800 the Northwest Territory was divided by an act of congress. All the territory east of a line which now very nearly corresponds to Indiana's eastern boundary was constituted the Northwest Territory, and all lying west of this line was named Indiana Territory, and its government was continued at Vincennes as the capital.

At this congress Harrison also secured the passage of an act which made him popular the rest of his life. According to law the western lands had been sold in tracts of not less than four thousand acres, so only land *companies* could buy. Now Harrison secured an act which stipulated that the land should be sold in sections and half sections. He was chairman of the committee appointed to discuss the plan, — the first territorial delegate to be chairman of a committee.

During the time Indiana was a part of the Northwest Territory there were attempts to change the slavery clause in the ordinance of 1787, but all failed. Slaveholders in the South couldn't very well sell all their slaves and go North and support themselves, nor could they take their slaves, so they had to stay in the South.

The government of Indiana Territory began July 4, 1800, with Harrison as governor, John Gibson as secretary, and three judges. During the next four years attempts were made to change the slavery article of the ordinance. The chief one was gotten up in 1802-1803. The French were especially in favor of striking out the article. Harrison was persuaded

to call a convention of representatives. The most able men of the territory assembled and drew up a petition which they sent to congress with a letter from Harrison approving the petition, asking that the sixth article be set aside for ten years, and stating that the petition would be void after 1805. A letter was also sent from the people asking for the reelection of Harrison as governor. The petition was not definitely acted on before 1805, so it amounted to nothing.

Harrison was a very able man. The fact that he was a republican and that a majority of the population were federalists, proslavery, and very anxious that the government be raised to second grade, gave him a problem to solve which he dexterously handled. He knew that second-grade government would be the road to slavery, so he wrote a letter to a "friend" explaining why he was opposed to it. The letter got into the newspapers and won the people completely to his side. His chief argument was that it would necessarily add great expense.

In 1803 when Louisiana was purchased (Boynton, § 259), congress provided that the officers who governed Indiana Territory should also govern Louisiana, but not, of course, with the same laws. But Louisiana objected to this plan, and a year later the citizens met at St. Louis, since most of them lived in this part of the territory, and sent a petition to congress for separate officers, which was granted.

In 1805 Indiana Territory reached the stage of second-grade government. The people wanted it. They could then have representative government and also have a delegate in congress.

In 1805 the territory of Michigan, on the north, was established, and in 1809 the original territory was further

divided by the establishment of Illinois on the west, leaving Indiana Territory with nearly the same boundaries as those of the present state.

On March 11, 1813, the legislature passed an act removing the seat of government to Corydon in Harrison County.

In 1815 the legislature sent a petition to congress asking for an enabling act. They had thirteen counties and a male population of 63,897. They added this clause: "And whereas the inhabitants of this territory are principally composed of emigrants from every part of the Union, and as various in their customs and sentiments as in their persons, we think it prudent at this time to express to the general government our attachment to the fundamental principles of legislation prescribed by Congress in the Ordinance for the government of this territory, particularly as respects freedom and involuntary servitude, and hope they may be continued as the basis of the Constitution."

Congress passed a bill April 19, 1816, making a law in accordance with the petition to make Indiana a state. The act provided for the election of forty-three delegates to meet in convention and decide whether to form a state government, and if so, they had the power to form a constitution themselves or provide for an election of representatives who should form a constitution. Their work would stand as they left it, provided it was republican and in accordance with the ordinance of 1787.

The convention met at Corydon, June 10, 1816. It was hardly composed of great men, but they were good honest men. Jonathan Jennings was elected president and William Hendricks secretary. The first day it was moved that a constitution should be formed, and there was a motion to proceed

to its formation on the next day. The vote was taken the following day and only eight members were opposed to proceeding to make a constitution. Committees were appointed to prepare the various parts of the document, which took the first week.

The article on amendments to the constitution stated that it might be revised at intervals of twelve years by a majority vote of the people, but as to the article on slavery no alteration should ever take place. Slavery and involuntary servitude were absolutely forbidden (practically the words of the ordinance were used). The constitution was completed June 29, 1816, and unanimously adopted by the members of the convention, and the state was admitted to the Union December 11, 1816.

As has been said, many of the settlers were from the New England states, but there were people from all the colonies. This laid a foundation for a strong state, for honest, industrious men had come from various points with various ideas and abilities.

The capital remained at Corydon until 1824, when it was removed to Indianapolis. The constitution of the state made at Corydon in 1816 remained as the fundamental law of the state without amendment until 1851, when the one under which the state is now governed was made by a state convention which met at Indianapolis.

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CHAPTER II

THE PREAMBLE, BILL OF RIGHTS, AND ELECTIONS

The Preamble. The constitution of the state of Indiana begins with a preamble, which is common to all modern written constitutions. The preamble gives reasons for the making of the constitution, and its essential part is the enacting clause, which is, "We, the people of the state of Indiana, . . . do ordain this constitution."

The Bill of Rights.¹ Article I of the state constitution consists of thirty-seven sections and is called the bill of rights. A bill of rights contains a statement of the fundamental principles which underlie the system of government and a declaration of the civil and political rights, which are inviolably reserved to the people.

Section 1 declares that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority and instituted for their peace, safety, and well-being.

Section 2 maintains an inheritance from our ancestors, many of whom came to America seeking this security and freedom.

Section 5 forbids any requirements of a religious test for holding office.

¹ For discussion of bill of rights read Chap. XV of Boynton's "School Civics."

Section 8 was agreed upon in harmony with the spirit of religious tolerance and in recognition of the fundamental ideas of certain religious organizations.

Section 9 guarantees freedom of thought, speech, and the press, — inherent principles in the life of a people really free.

Section 11 provides for the due protection of private rights and property in cases of search and seizure.

Sections 12–20 deal with procedure in the courts, together with trials and punishments of accused persons, protecting them in their rights in seeking justice.

Section 21 declares that it is a recognized principle in government that the property of an individual may be taken for public use if necessary to the public welfare. This privilege of the government we call the right of eminent domain, but Section 21 guarantees to the individual that no injustice shall be done him personally in maintaining this principle.

Sections 23–27 contain a series of prohibitions against the state government doing certain things which would be contrary to the interests of liberty, equality, and justice.

Section 24 provides against *ex post facto* laws and laws impairing contracts, while Section 27 guarantees the writ of habeas corpus in times of peace, and Section 31 guarantees the right of petition and public assembly.

Various efforts had been made during the period of territorial government in Indiana to provide for slavery, although Indiana was a part of the Northwest Territory and was under the government provided in the ordinance of 1787, which declared, “There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.” The territorial legislature had gone so far as to provide for

the indenture of negroes in the form of a voluntary contract. To avoid this possibility and reaffirm the antislavery feature of the original ordinance of government, Section 37 was intended.

Qualifications and Privileges of Voters. The constitution of Indiana, in Section 1, Article II, provides that "All elections shall be free and equal." The constitution further provides that "In all elections, not otherwise provided for by this constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the state during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in the state during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law."¹

The constitution further provides that no person shall be deemed to have lost his residence in the state by reason of his absence on business of the state, or of the United States, and in all cases, except treason, felony, and breach of the peace, electors (voters) shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

¹ Art. II, Sec. 2.

Disqualifications for Voting. The general assembly has the power to deprive the right of suffrage and to render ineligible any person convicted of an infamous crime. It has used this power by enacting that every person undergoing a sentence of imprisonment or conviction for any felony or misdemeanor shall be disfranchised during the period of such imprisonment.

No soldier, seaman, or marine, in the army or navy of the United States, or their allies, shall be deemed to have acquired a residence in this state in consequence of having been stationed within the same ; nor shall any such soldier, seaman, or marine have the right to vote.

Since the constitution provides that only male citizens are permitted to vote, women do not have the right in Indiana, although in some states they have an equal right of suffrage with men, while in some others they can vote on certain questions, such as municipal and school affairs.

Disqualifications for Holding Office. Every person who offers a bribe, threat, or reward to procure his election shall be disqualified from holding office during the term for which he may be elected. No person is eligible to any office of trust or profit in the state who shall give, or accept, a challenge to fight a duel, or who shall, knowingly, carry to another person such a challenge, or who shall agree to go out of the state to fight a duel.

No person holding an office or appointment with salary under the United States, or under this state, is eligible to a seat in the general assembly, nor can any person hold more than one lucrative office at the same time, except as expressly permitted by the constitution of the state.

No person who is a collector or holder of public moneys shall be eligible to any office of trust or profit until he shall

have accounted for, and paid over, according to law, all sums for which he may be liable.

Times of Elections. All general elections are held on the first Tuesday after the first Monday in November. Elections in incorporated towns are held every four years; city elections are held every two years.

Special elections are held chiefly to fill vacancies in office and are provided for by law under the following cases:

1. Whenever a vacancy shall occur in the office of senator or representative during a session, or when the legislature will be in session after the occurrence of a vacancy, and before a general election.

2. Whenever a vacancy shall occur in the office of a representative in congress, while it is in session, or when congress will be in session after such vacancy occurs before a general election.

3. Whenever two or more persons receiving votes at any election shall have the highest and an equal number of votes for the same office.

4. Whenever a vacancy occurs in any office required to be filled by a special election.

Special elections, not otherwise provided for, are ordered by the governor, who issues writs of election, specifying the county, district, or circuit in which the election is to be held, and the cause and object of such an election.

The Election. Each county is divided by the county commissioners into divisions for election purposes, called precincts, and a voting place is designated for each. If any township does not contain more than two hundred and fifty voters, the township constitutes a precinct.

All elections by the people in this state are by ballot. A ballot is a paper containing the names of the candidates to be voted for. Ballots containing the names of candidates for state offices and for congress are printed by the state and distributed to the clerks of the circuit court of the county; ballots containing names for county and township offices are printed by the county. Towns and cities print their own ballots.

Election Commissioners. When a state election is to be held the governor selects two voters from different political parties, who, with himself, compose the state board of election commissioners. At the same time the clerk of the circuit court of each county chooses two voters from the two leading parties, who, with himself, constitute the county board of election commissioners. In like manner, commissioners are chosen for town and city elections.

Election Officers. The board of county commissioners appoint, for each precinct, one election inspector and two judges, except that the township trustee serves as inspector for the precinct in which he resides. The inspector and the two judges constitute the election board for the precinct, and they must be voters in that precinct. Not more than two of them can be of the same political party.

On the day of election the board must appoint two persons to serve as poll clerks, and they must belong to the two leading parties.

Each political party having a candidate to be voted for may appoint a challenger and a poll-book holder for each precinct.

QUESTIONS

1. What is meant by the preamble of the constitution?
2. What is meant by a bill of rights?
3. Is there a bill of rights in the constitution of the United States?
(See Boynton's "School Civics," Chap. XV.)
4. How does the bill of rights deal with religion and freedom of worship?
5. What is guaranteed as the basis of the penal laws of the state?
6. What do we mean by penal laws?
7. What rights are guaranteed to debtors?
8. What is meant by habeas corpus? (See Boynton's "School Civics," § 190.)
9. How is a person to be convicted of treason?
10. Was there ever any attempt to legalize slavery in the state of Indiana? (See J. P. Dunn's "Indiana.")
11. What is the purpose of elections?
12. Who are qualified to vote in this state?
13. When is the general election held in Indiana?
14. For what may a voter be disfranchised?
15. Who may hold office?
16. Explain the difference between general and local elections?
17. What determines the time of local elections?
18. Why should not the same individual hold more than one office at a time?
19. When did Indiana adopt the Australian ballot system?
20. Describe this system of voting.

CHAPTER III

THE STATE GOVERNMENT ¹

Distribution of Powers. The powers of the government are divided into three separate departments: the legislative, which makes the laws; the executive (including the administrative), which executes or enforces the laws; the judicial, which interprets and applies the laws.

THE LEGISLATIVE DEPARTMENT

The legislative power is vested by the constitution of Indiana in a body of men responsible to the people, whose duty it is to make laws for the general good of the people of the state. This body of men is called the legislature, or general assembly. Its legislative power is so broad that the constitution does not attempt to specify and enumerate in detail what it may do, although certain prohibitions are put on the legislature by the constitution. It is limited only by the exclusive and supreme powers granted by the congress of the United States and by the few prohibitions imposed upon the states by the United States constitution. The exact extent of its powers is determined by the courts.

The Senate and House of Representatives. The constitution provides that the senate shall not exceed fifty members, nor the house of representatives one hundred members.

A senator must be a citizen of the United States, must have been an inhabitant of the state two years next preceding

¹ Read Boynton's "School Civics," Chap. XVIII, pp. 264-286.

his election, one year an inhabitant of the district from which he is chosen, and must be at least twenty-five years old.

A representative must have the same qualifications as a senator, except that the minimum age for a representative is twenty-one years.

Senators are elected for four years, but elections are so arranged that one half, as nearly as possible, are chosen biennially. The term of representatives is two years.

The constitution provides that the general assembly shall be held biennially at the state capital, commencing on Thursday following the first Monday in January in the odd-numbered years, but the governor may call a special session at any time, if he thinks the public welfare requires it. The term of any one session is limited to sixty-one days, and a special session to forty days.

Two thirds of each house is a quorum to do business, but a smaller number may meet and compel the attendance of absent members.

The lieutenant governor of the state is the presiding officer of the senate. The presiding officer of the house of representatives is called the speaker, and he is chosen by the house from among its own members. The senate employs a secretary and assistant secretary, and the house a clerk and an assistant clerk. Besides these, each house has a door-keeper and assistants, a postmaster, a reading clerk, and five pages.

Members of each house are privileged from arrest during the sessions of the assembly, and in going to and returning from the same, except for treason, felony, and breach of the peace.

Each house chooses its own officers (except president of the senate), judges of the elections, returns, and qualifications

of its own members, makes its own rules, determines its own adjournment, punishes its own members for disorderly conduct, keeps a journal of its proceedings, and may sit with closed doors when its business requires secrecy.

The house of representatives has the sole power of impeaching state officers, and the senate sits as a court to try impeachment cases.

No member of either house shall receive an increase of compensation during the session at which such increase was made, and no member of either house shall, during the term for which he was elected, be eligible to any office filled by the assembly, nor shall he be appointed to any civil office of profit which has been created, or the pay of which has been increased during such term, unless the office be elective by the people.

The members of the general assembly receive for their services a compensation fixed by law. The compensation, at present, is six dollars a day while the legislature is in session, and five dollars for every twenty-five miles traveled in going to and returning from the capitol. The amount of mileage to which each member is entitled is determined by a committee appointed for that purpose.

The Law-making Process. In order to facilitate the transaction of business, the members of each house are divided into a number of committees, to whom are referred for their consideration proposed bills (Boynton, §§ 197-198). The speaker appoints those of the house of representatives and is careful to select the chairman and a majority of the members of each committee from his own party. The senate committees are, in like manner, appointed by the lieutenant governor as president of the senate, unless he happens to be of

a different party from the majority, in which case the committees are elected by the senate.¹

The number of committees varies from time to time.² When a bill is presented in writing to either house, it is "read by title" and referred by the presiding officer to the appropriate committee. Each committee has stated times for meeting to consider the measures referred to it. The friends and the enemies of a bill may appear before the committee and present their arguments as to why the bill should or should not become a law. When a committee has completed its consideration and come to an agreement, the bill is returned to the speaker's desk and, in its turn, is read the second time, in full, for the information of the house. The report of the committee is also read. The bill is now ready for discussion by the house, which may result in its amendment, recommitment, or engrossment. If the house does not agree with the committee, the bill may be rejected by a motion to strike out the enacting clause. Usually, however, the report of a committee, whether favorable or unfavorable to the measure, is final. If the report is favorable, the bill is ordered to be engrossed and is referred to the committee on engrossed bills, whose duty it is to compare the engrossed copy with the original, to determine whether it has been accurately copied. It is then taken up in its proper time for its third reading and is put up for passage. The vote of the house is taken by the roll call and each member is required to vote Aye if he favors the measure, or No if he opposes it. A majority of all the members elected to the house is necessary to pass the

¹ There is no constitutional provision for this mode of procedure, although such is the case.

² There are always certain standing committees. The number varies by reason of special committees.

measure. Having received such a majority, the engrossed copy of the bill is signed by the clerk and is transmitted by him to the senate, with information of the action taken by the house.

In the senate it goes through practically the same processes as in the house. If the senate amends the bill, the amendment is engrossed but not the bill, and this, with the bill, is returned to the house. If the house approves, the bill is ready for enrollment, but if it does not approve, then each house appoints two members to constitute a joint-conference committee. If the two houses fail to agree after the action of this committee, the bill is lost. If they do agree, the bill is enrolled and is signed on the back by the clerk of the house in which it originated. It is then signed by the speaker of the house and the president of the senate, and is presented by the joint committee on enrolled bills to the governor for his consideration.

Section 14 of Article V of the constitution deals with the action of the governor towards all bills presented for his consideration.

Every bill which shall have passed the General Assembly shall be presented to the Governor ; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same

before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

The Veto. The written statement of the governor's objections is called the governor's veto. When a bill has become a law, either with or without the governor's approval, it is sent at once to the secretary of state, who places it on file.

Every law or act must have a "title" stating its purpose. It must open with what is called an "enacting clause," without which it would be void. If the act supersedes some previous law or part of a law, it will contain a "repealing clause," and if the general assembly deems it necessary that the law go into effect immediately, it closes with an "emergency clause."

The following copy of an act passed by the general assembly of 1907 will illustrate the above statements.

CHAPTER 67

An Act entitled an act regulating life insurance companies and defining the status of persons soliciting life insurance, and declaring an emergency.

[H. 64. Approved February 26, 1907]

Insurance, Life — Agent of Company

SECTION 1. *Be it enacted by the general assembly of the state of Indiana*, that any person who shall solicit and procure an application for insurance upon the life of another shall in any controversy between the assured, or his beneficiary, and the company thereafter issuing any policy upon such application, be regarded as the agent of the company and not the agent of the assured.

Repeal

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Emergency

SECTION 3. This act shall take effect and be in force from and after its passage.

If a law does not contain an emergency clause, it does not go into effect until it has been printed and sent to every one of the ninety-two counties of the state. After each session of the general assembly, the secretary of state publishes all the laws of that session in a bound volume and sends a number of copies to the clerk of the circuit court of each county. On receiving these, the clerk is required to send a certificate to the secretary of state, giving the exact time when the laws came into his hands. When the secretary of state has received the certificate from the last county clerk, he reports to the governor the exact time when the last county received the laws, and the governor then issues a proclamation which is published in the newspapers, stating the exact time when the laws went into effect and became binding upon the people of the state.

THE EXECUTIVE DEPARTMENT

The Governor. The executive power is placed in the hands of a governor, who is the chief executive of the state. Coöperating with him is a number of administrative officers, who, like him, are responsible to the people for carrying into effect the provisions of the constitution and the laws passed by the general assembly.

Lieutenant governor. There is also a lieutenant governor, but his duties are only legislative (president of the senate), unless for some reason the office of governor becomes vacant, in which case he serves the remainder of the unexpired term.

Both the governor and lieutenant governor are chosen for a term of four years, their official term beginning on the second Monday of the January following their election. They are both chosen by the qualified electors of the state at the

time of the presidential election, on the first Tuesday after the first Monday in November. No person elected governor is eligible for a second term immediately following that for which he was chosen.

To be eligible to the office of governor, a man must be thirty years of age, must have been five years a citizen of the United States, and a resident of the state five years immediately preceding his election. The qualifications are the same for the lieutenant governor. No member of congress nor any officer of the United States is eligible to either office.

Powers and Duties. The chief duty of the governor is to "take care that the laws be faithfully executed." In line with this duty he is made commander of the military and naval forces of the state, and may call them into service to execute the laws, to suppress insurrection, or to repel invasion. He shall, from time to time, give to the general assembly information concerning the condition of the state, and recommend such measures as he shall deem expedient. These requirements are fulfilled in the governor's messages. He shall transact all necessary business with the officers of the government, and may require information in writing from any of the administrative officers of the state on any subject relating to their offices. He has power to grant reprieves, commutations, and pardons for all offenses except treason and cases of impeachment, and may remit fines and forfeitures, subject to regulations prescribed by law; but he must report all such cases to the general assembly. He shall, during the recess of the assembly, fill all vacancies in offices the appointment of which is vested in the assembly; and at any time when vacancies occur in any state office or in the office of judge of any court, he shall fill the same by appointment, which shall

expire when a successor shall have been elected and qualified. When vacancies occur in the general assembly he shall issue writs of election to fill them. Should it be dangerous for the assembly to meet at the capital of the state, he may convene it at any other place.

The duty of the governor to sign or veto bills passed by the assembly has already been mentioned in connection with legislation.

The Militia or National Guard. As stated above, the governor is charged with the enforcement of the laws of the state. To aid him in this duty the constitution provides for the organization of a militia system, which consists of all able-bodied male citizens between the ages of eighteen and forty-five. The active militia consists of such able-bodied male citizens between the ages of eighteen and forty-five years as may be enrolled, organized, and mustered into service of the state. The force thus organized shall not consist of more than forty-eight companies of infantry, four batteries of artillery, four troops of cavalry, four companies of engineers, a signal corps, a hospital corps, including ambulance company, and one band to each regiment of infantry, together with suitable officers and departments for the discipline and supply of the troops.

Organization of Militia. The following is the present organization of the militia according to the law of 1905. A company of infantry consists of one captain, two lieutenants, six sergeants, eight corporals, two cooks, one artificer, two musicians, and not less than forty nor more than eighty-seven privates. Four companies constitute a battalion, three battalions constitute a regiment, and the entire organization of the national guard is under command of a major general.

Appointment of Officers. The governor is ex officio commander in chief of the national guard, appoints all other officers above the rank of major, and commissions all officers who are required by law to hold commissions.

Classification. All persons enrolled in the above-described organization constitute the "active militia," while all other persons within the militia age are called the sedentary militia and are subject to be called out in case of emergency.

Exemptions. The constitution exempts from military duty persons conscientiously opposed to bearing arms, but they may be required to pay a sum of money, to be fixed by law, as an equivalent for exemption.

Members of the active militia are exempt from jury service.

When called into Service. The governor has authority to call out the militia when it may be necessary to put down a riot, suppress insurrection, or repel invasion. The sheriff of a county, the judge of a court, or the mayor of a city may inform the governor of any tumult, mob, riot, or other disturbance beyond the control of the local authority, and may call on him to send a sufficient militia force to restore order. In case the militia is called upon to quell a disturbance and is ordered by the commander to fire, blank cartridges must not be used, but the guns must be loaded as when engaged in actual war.

Administrative Departments. While the governor is charged with the execution of the laws, there are many phases of executive work that he cannot perform himself. The constitution provides for the election or appointment of a number of officers and boards for carrying on different departments of the government. The titles and duties of some of these officers are much like those of the president's cabinet, but in the state government these officers are responsible to the people

and not to the governor; hence they are not a cabinet of advisors. All state officers must reside in Indianapolis.

The following administrative officers are elected by the voters of the state.

Secretary of State. The secretary of state holds his office for two years. It is his duty to keep the laws passed by the assembly, to publish and disseminate the same, and to preserve all reports, papers, and records required by law to be filed in his office.

He is the official keeper of the seal of the state of Indiana for the governor, and attests and fixes the seal to all commissions, pardons, etc., issued by the governor. He is a member of the state board of tax commissioners and of the commission of public printing.

Auditor of State. The auditor's term is two years. His duties are numerous and important, most of them pertaining to the accounts of the state with the counties, with other states, with the United States, and with persons and corporations doing business with the state. All claims against the state must pass his inspection, and it is his duty to collect all money due the state. He keeps all records pertaining to lands owned by the state, and of mortgages given for money loaned by the state. He superintends the enumeration of voters, required to be made every six years. It is his duty to appoint four bank examiners to inspect the condition of banks organized under the laws of the state. Insurance companies organized under the laws of this or other states, doing business in this state, are under his supervision.

Treasurer of State. This officer is elected for two years. It is his duty to keep all money belonging to the state,¹ for

¹ In actual practice the money is deposited in banks.

the safe-keeping of which he must give bond, satisfactory to the governor, in the sum of seven hundred thousand dollars, with not less than twenty owners of land in Indiana as sureties. The state has provided rooms for the department of the treasury, with vaults and safes, which make the money entirely secure from burglars. The income of the state is derived from a variety of sources, but by far the largest part is from taxes and interest on the permanent school fund. All of it must go into the hands of the treasurer, but before it is paid over to him, the auditor of state must order it paid into his hands before he can legally receive it. Neither can the treasurer pay out any of the state's money without a warrant from the auditor ordering its payment and stating for what and to whom it is to be paid. The treasurer and the auditor together are required to make monthly reports of the amounts received and paid out during the month, and publish the statement in two Indianapolis newspapers. The treasurer must make out annually on November 1, and publish, a similar report, and every two years he must report the condition of the treasury to the general assembly. The books and accounts of the treasurer are subject to examination by a committee appointed by the general assembly or the secretary of state, and a competent person chosen by the governor may at any time make such an examination.

The auditor cannot issue a warrant for paying out any of the state funds, nor can the treasurer make such payment, unless the general assembly has first passed a law directing it to be done. This law may be in the form of a general appropriation law, covering the usual and necessary expenses of the government and public institutions of the state, or it may be a law making an appropriation for some specific purpose.

The fiscal year of the state begins October 1 and closes on September 30 following. Since the regular sessions of the assembly occur biennially, the general appropriations can be made only every two years.

By an act of the general assembly (1907) the treasurer of state shall, at the end of each fiscal year, transfer into the general fund of the treasury the unexpended balances of all regular appropriations; and shall biennially, at the end of the fiscal year immediately preceding each regular session of the general assembly, transfer into the general fund of the treasury the unexpended balances of all specific appropriations, unless, by the act making the appropriation, they have been made available beyond that time.

The secretary, the auditor, and the treasurer of state cannot serve more than two terms, that is, four years, in succession.

The Attorney-general. The attorney-general, sometimes called the state's attorney, is elected for two years, with no limit as to reëligibility. It is his duty to assist the executive and administrative officers by giving them legal advice. He is also required to advise either branch of the general assembly as to the constitutionality of any law under consideration. As his name implies, he is the attorney for the state and must defend it in all suits brought against it, and prosecute all cases instituted by it. He must attend to criminal cases taken to the supreme or appellate court of the state, and must collect fees, fines, forfeitures, and escheats belonging to the state.

The State Superintendent of Public Instruction. The superintendent of public instruction is elected for two years, with no limit as to the number of terms he may serve. He

is charged with the educational affairs of the state, and has supervision of the business relating to the common schools, including the management and proper application of the school fund. He must inspect the books of the auditor of each county in the state at least once during his term, that he may learn the amount and the security of the school funds and revenues of the county. Twice each year he makes among the counties of the state an apportionment of the common-school revenues for tuition, according to the last enumeration of children of school age. It is also his duty to advise school officers concerning the interpretation and administration of the school laws, and he must report biennially to the general assembly concerning the school funds and revenues, the estimated value of school property, and estimates of needful expenditures for the next year. His report includes the school statistics of the state and an account of his work as school superintendent. He is a member of the state board of education and of the state library board.

State Geologist. This officer is elected for four years and may be reëlected. It is his duty to make a geological survey of the state for the discovery of useful minerals and stones, and to promote the development and preservation of its natural resources. He has charge of the museum of geology, archæology, and natural history, located in the statehouse, in which are kept also the battle flags of Indiana regiments in the Mexican War, the Civil War, and the Spanish War, together with some flags taken from the enemy on the battlefield. He is required to collect such statistical details relating to the mineral and natural resources of the state as he deems valuable, and to publish the same in his annual report or in bulletins. In the Geological Reports of the state there

is to be found much valuable information concerning our coal mines, building stone, natural gas, coal oil, and many other things.

Chief of Bureau of Statistics. This officer is also called state statistician and is elected for two years. It is his duty to collect and organize statistical information concerning agriculture, manufacturing, mining, commerce, education, labor, marriage and divorce; births and deaths, sanitary conditions, and many other industrial and social matters. He makes annual reports to the governor and biennial reports to the general assembly.

STATE OFFICERS NOT CHOSEN BY THE PEOPLE

The State Librarian. The state librarian is elected by the state library board for a term of two years, but it may be longer, since he is to serve until the board shall elect a successor. It is his duty to care for the state library, to preserve copies of the journals and laws of the assembly, and all legislative papers that may be delivered to him by the senate and house. He is authorized to loan books, other than reference books, to citizens of the state. The librarian is required to report at each session of the legislature the condition and needs of the library and the receipts and expenditures of money for the two fiscal years immediately preceding the date of such report. It is the purpose of the librarian and the library board to make the library of use to the people of the state:

There has been organized in connection with the library a department of state archives, into which is gathered all documents — executive, legislative, and judicial — pertaining

to the state ; also, any reports, letters, manuscripts, or books relative to the history of the state or valuable as material in the preparation of such a history.

By action of the library board in 1906 a legislative reference department was provided as a department of the state library, and the general assembly of 1907 provided for its permanent maintenance. Its duty is to secure, digest, and tabulate official data from other states and foreign countries as an aid to official betterment in Indiana. This material is put at the service of the members of the legislature so as to prepare the way for better planned and more carefully digested legislation.

The State Entomologist. The state librarian is appointed by the governor for a term of four years. He is required to publish in pamphlet form, for the benefit of the public, all available information relating to San Jose scale and other injurious plant diseases. Any citizen may receive such on application. It is his duty to inspect nursery stock and other plants, for the discovery of destructive or injurious insects or fungi. If he finds such, he must notify the owner of the stock and require him to take steps to eradicate the pests, and advise him as to the proper remedies to use.

State Veterinarian. The state veterinarian is elected by the state live-stock sanitary commission and is their chief administrative officer. His duty is to protect domestic animals from malignant contagious diseases, and, when needful, to establish quarantine regulations.

State Commissioner of Fisheries and Game. The commissioner of fisheries and game is appointed by the governor for a term of two years. It is his duty to provide for and promote the propagation and protection of fish in the streams and lakes of the state. He has like duties concerning game

animals and birds, and can appoint deputies in each county to aid him in enforcing the game and fish laws.

Custodian of Public Buildings. This official is also appointed by a board consisting of the governor, secretary of state, and auditor of state. He is subject to removal at any time. It is his duty to care properly for the statehouse, and its furniture and grounds.

Officers of State Militia. These officers, including adjutant general, quartermaster general, and commissary general, and others above and including the rank of major, are appointed by the governor for four years (see chapter on Militia).

Chief of Department of Inspection. This officer is appointed by the governor, with the sanction of the senate. His term is four years. His duty is to inspect the condition of factories, mines, etc., under which laborers do their work, and to enforce the laws for the protection of laborers. He is responsible also for the enforcement of the laws for protecting the public against fire.

Notaries Public. These are appointed by the governor for a term of four years. It is their duty to certify acknowledgments of deeds to property and other legal instruments, to administer oaths, and to certify affidavits and depositions. Their pay for services is obtained from fees.¹

STATE COMMISSIONS

Commissioners of Public Printing. This body consists of the governor, secretary of state, and auditor of state. They have charge of all the public printing and binding authorized

¹ By a law of 1909 members of the state legislature are given the power of notaries public.

by the legislature. They appoint a clerk, called the clerk of the bureau of printing, who has direct charge of the work.

Public-Library Commission. This commission consists of three members, appointed by the governor for a term of three years, one member retiring annually. They are required to serve without pay. The commission has charge of the traveling libraries furnished by the state for the benefit of people distant from the state library. Any library association, literary club, agricultural society, college, academy, university-extension center, or other study circle can have the use of these traveling libraries under the rules of the library commission. It is also the duty of this commission to furnish instruction to persons desiring to study library work and management. For this purpose, it holds annually a library summer school at some suitable point in the state. It is required to receive annual reports from all libraries in the state and to make a full report biennially to the governor and the legislature as to library conditions and progress in Indiana.

The Labor Commission. This commission consists of two persons appointed by the governor, one of whom must be an employee for wages, the other an employer of labor. Their duty is to mediate in case of strikes or to secure an agreement of the parties to the controversy to arbitrate their case. The two labor commissioners and the judge of the court of the county in which the trouble arises constitute a board of arbitration.

Prison-Reform Commission. This commission consists of six members, three appointed by the governor for two years; the others are the warden of the Indiana state prison, the superintendent of the Indiana reformatory, and the secretary of the board of state charities. It is their duty to investigate

the conditions of jails and workhouses and prison labor, and to make satisfactory plans for the betterment of such conditions. They have access to all jails and workhouses of the state and are required to report the results of their investigations to the general assembly.

The Railroad Commission. This commission consists of three members appointed by the governor for a term of four years. They supervise passenger and freight tariffs within the state, prescribe regulations pertaining to car service, interchange of traffic, and improvements for the benefit of the public.

STATE BOARDS

State Board of Health. This board is composed of five members, four of whom are appointed by a board of appointment consisting of the governor, secretary of state, and auditor of state. The fifth is elected by the other four and is secretary of the board. He must be a physician and is the health officer of the state. This board is required to keep a record of all births, deaths, and cases of contagious or infectious diseases, and to tabulate all vital statistics and, by proper study of the same, to render them useful to the people of the state. The state laboratory of hygiene is under their control. They appoint a superintendent for this laboratory, who must be an expert bacteriologist and pathologist. They also appoint an expert chemist whose duty it is to examine articles of food (including drinks) and drugs sold or offered for sale in the state, in order to determine their purity and wholesomeness.¹

¹ Local boards of health for cities and counties are provided for by law, and these are required to report to the state board.

State Board of Education. This board consists of the governor; the state superintendent of public instruction; the presidents, respectively, of the state university, the state normal school, and of Purdue University; the school superintendents of the three largest cities of the state, as determined by the enumeration of the school children; and three other persons chosen by the governor, one of whom must be a county superintendent of schools, and the others, persons actively engaged in educational work in the state. They have supervision of the administration of the school system of the state, examine teachers for state licenses, and prepare questions for the examination of teachers in all the counties of the state. They are also constituted a state board of schoolbook commissioners to adopt and provide suitable text-books for the common schools of the state. As a state library board they have the management of the state library. Five of the trustees of Indiana University are elected by this state board of education. It has recently been constituted a state teachers' training board, with the duty of arranging for a system of normal-school instruction throughout the state. It has authority to prescribe the course of study and designate what schools shall be accredited for imparting such instruction.

State Board of Tax Commissioners. The members of this board are the governor, auditor, and secretary of state, ex officio, and two other persons of different political parties, appointed by the governor for four years. They prescribe the forms for the assessment of taxes and see that assessments are made according to law. They enforce the revenue laws of the state and see that the taxes due are collected. Once a year some member of the commission visits each county of the state to hear complaints. They hear and decide on

appeals from the assessment of the county board of review ; they assess the property of railroads, telegraph, telephone, traction, and express companies, and other corporations doing business in the state ; and they equalize the assessment of real estate in the different counties.

Public Accounting. The general assembly of 1909 provided for a department of inspection and supervision of public offices. The principal officer is known as the state examiner and associated with him are two deputy examiners. All three are appointed by the governor and the term of office is four years.

Board of State Charities. The governor is *ex officio* a member of this board and is its president. The other members, six in number, are appointed by the governor, three from each of the two leading political parties. Their term of office is three years, one third of them retiring annually. They elect a secretary, who is the paid agent of the board in carrying out its recommendations, but the members themselves serve without pay. The duties of this board are very important. It is charged with the supervision of all penal and charitable institutions of the state ; all plans for the building of jails and infirmaries must be submitted to it for approval ; it has authority to investigate any of our penal, reformatory, or charitable institutions, to correct unwise or improper management, and to suggest improved methods ; its reports to the governor and the quarterly bulletin are publications containing much useful information. Previous to the appointment of this board some of the institutions now under its supervision were used as the spoils of office and were put under the management of men who were thus paid for services rendered to their political parties. It not infrequently happened that superintendents thus elected were not so well fitted for managing

a public institution as for conducting a political campaign. This board has practically secured the removal from partisan control of all the institutions under their supervision, and has placed Indiana in the front rank of the states of the Union in the management of penal and charitable institutions.

State Board of Forestry. This board consists of five members appointed by the governor, one of whom, the secretary, is required to have special knowledge of the theory and art of forest preservation and timber culture. He is ex officio state forester and superintendent of state forest reserves.

State Board of Medical Registration and Examination. This board consists of six members appointed by the governor for four years. Their duty is to grant, upon satisfactory evidence of fitness, certificates entitling the holders thereof to receive licenses to practice medicine in Indiana.

State Board of Dental Examiners. The board of dental examiners consists of five members appointed for two years, — one by the governor, one by the state board of health, and three by the Indiana State Dental Association. To applicants who prove themselves competent, they grant certificates entitling them to receive licenses from the county clerk to practice dentistry in the state.

State Board of Registration and Examination of Nurses. This board is composed of five experienced nurses appointed by the governor for three years. All persons who desire to receive the title of "trained nurse" or "graduate nurse" may receive from this board, upon giving satisfactory evidence of fitness, certificates entitling them to be registered by the county clerk of any county of the state as trained nurses.

The Indiana Board of Pharmacy. The state board of pharmacy consists of five members, not more than three of

whom shall be of the same political party ; their term is four years. Their duty is to grant licenses to registered pharmacists and assistants.

Voluntary Associations aided by the State. A number of voluntary associations in the state, having for their purpose the promotion of some phase of knowledge or the development of some laudable industry, receive appropriations from the state to aid them in their work or in publishing their proceedings. The most important of these are The Indiana Academy of Science, The Indiana Historical Society, The State Board of Agriculture, State Horticultural Society, The Florists' Association, Dairymen's Association, Stock Breeders' Association, and the Corn Growers' Association.

BOARDS OF TRUSTEES OF STATE EDUCATIONAL INSTITUTIONS

Indiana University is under the control of eight trustees. Three of these are elected by the alumni of the university residing in the state, the other five by the state board of education.

The State Normal School is managed by four trustees, all of whom are appointed by the governor.

Purdue University is managed by a board of nine trustees, all of whom are appointed by the governor, six only being selected by himself ; of the remaining three, two are nominated by the state board of agriculture, and one by the state board of horticulture.

Indiana State School for the Deaf is managed by a board of trustees consisting of four members appointed by the governor for a term of four years.

Indiana School for the Blind is controlled by a board of trustees consisting of four members appointed by the governor for four years.

BOARDS OF TRUSTEES OF PENAL AND REFORMATORY INSTITUTIONS

The Indiana State Prison, The Indiana Reformatory, The Indiana Women's Prison, The Indiana Boys' School, and The Indiana Girls' School are each under control of a board of four trustees appointed by the governor for four years. The trustees of the Women's Prison and of the Girls' School must all be women, and not more than two of the trustees of any of the above institutions can be of the same political party.

BOARDS OF TRUSTEES OF BENEVOLENT OR CHARITABLE INSTITUTIONS

The institutions of this class are :

1. The five hospitals for the insane, located as follows : The Central, at Indianapolis ; The Southern, at Evansville ; The Northern, at Logansport ; The Eastern, at Richmond ; and the Southwestern, at Madison.

2. The Indiana Village for Epileptics, at Newcastle.

3. The Indiana School for Feeble-Minded Youth.

4. The Indiana State Soldiers' and Sailors' Orphans' Home, near Knightstown ; the Indiana State Soldiers' Home, at Lafayette ; and The Hospital for Treatment of Tuberculosis, at Rockville.

The board of trustees of each institution consists of four members appointed by the governor for four years, except that the board of The Hospital for Treatment of Tuberculosis

consists of three members appointed for three years. One member of the board of The Indiana School for Feeble-Minded Youth and of The Indiana State Soldiers' and Sailors' Orphans' Home may be a woman; the members of the board of the State Soldiers' Home shall be honorably discharged soldiers or sailors of the Civil War.

THE JUDICIAL DEPARTMENT

The judicial power (Boynton, § 359) is vested in the supreme court, circuit courts, and such other courts as the general assembly may establish. What we call the county courts, justices' courts, police courts of towns and cities, superior, criminal, and juvenile courts, all form parts of the judicial system of the state. We also have a court of claims and an appellate court for the state at large. All these courts have the important duty of interpreting and applying the constitution and the laws of the state. The judges of these courts are chosen by the people and are thus responsible to the people.

The Supreme Court. The state is divided into five districts, from each of which one judge is chosen. They are elected, however, by the voters of the entire state for a term of six years.

At each term the court elects one of its own members to serve as chief or presiding justice, but no judge can serve two terms in succession, nor a second term until all the other judges have served.

This court is the recognized interpreter of the constitution and laws of the state, and it decides on appeals that may come to it from lower courts.

Two meetings, or terms of court, are held each year at Indianapolis, in the capitol. The terms begin in May and November and continue thirty days, or longer if business requires.

Any three members constitute a quorum to carry on the business of the court.

The officers of the supreme court consist of a clerk, a sheriff, and a reporter. The clerk is elected by the voters of the state for a term of four years. He keeps the records and issues all writs of the court. The sheriff is appointed by the court for two years, and it is his duty to preserve order in the court room, serve all writs, and execute all orders of the court. The reporter is elected by the voters of the state for four years. It is his duty to collect, arrange, and have printed all decisions of the court.

The court's decisions must be in writing, and they are final, unless the case involves the constitution of the United States, a law of congress, or a treaty of the United States, in which case it may be appealed to the United States court.

The state law library is an adjunct to this department and the law librarian is appointed by the judges.

The Appellate Court. By 1891 the business of the supreme court had so increased that some measure of relief became necessary, and the general assembly provided for an appellate court of five judges, chosen in the same manner as the judges of the supreme court. It was supposed that in six years the pressure of business would be relieved and, for this reason, the act creating the court declared that it should continue "six years from the first day of March, 1891, and no longer." At the close of this time it was expected that the supreme court should assume jurisdiction of all cases assigned to the

appellate court, but in 1897 the period of its existence was extended for four years more, and by subsequent legislation the time limit was removed, and it may be assumed that the appellate court has become a permanent part of the state's judicial system. The number of judges is now six and the term of office is five years.

This court has jurisdiction in all cases that do not go by appeal to the supreme court. Its decisions are final, except in cases involving the constitutionality of a state or federal law, cases in which the validity of municipal ordinances is in question, in equity suits, and in other suits involving the title to real estate.

The clerk and sheriff of the supreme court serve also as clerk and sheriff of the appellate court.

Circuit Courts.¹ The constitution provides for the establishment of circuit courts consisting of one judge elected by the voters of the circuit for a term of six years. The state has been divided into sixty-one circuits. The judge is required to reside in the circuit over which he presides. The number and length of terms of court held in each circuit are determined by law and according to the amount of business.

With some exceptions the circuit court has original jurisdiction in cases of law and equity, in criminal and divorce cases, and in the settlement of estates and guardianships. It has also appellate jurisdiction in cases beginning in the justices' courts and exclusive jurisdiction in cases not assigned by law to some other court, officer, or board.

¹ It is recommended that teachers give a concrete illustration of the workings of the courts, as the judicial department of our government is the least understood.

The clerk and sheriff are the officers of the circuit court. They are elected by the voters of the county, the former for four and the latter for two years. It is the duty of the clerk to keep a complete record of the proceedings of each day and read the same in open court. The sheriff preserves order in the court room, serves all warrants, and executes all orders in court.

There is elected by the voters of each circuit a prosecuting attorney, who serves for a term of two years. It is his duty to prosecute all offenders against the laws of the state and to act as counsel for the counties within his circuit, in all suits to which such counties may be parties.

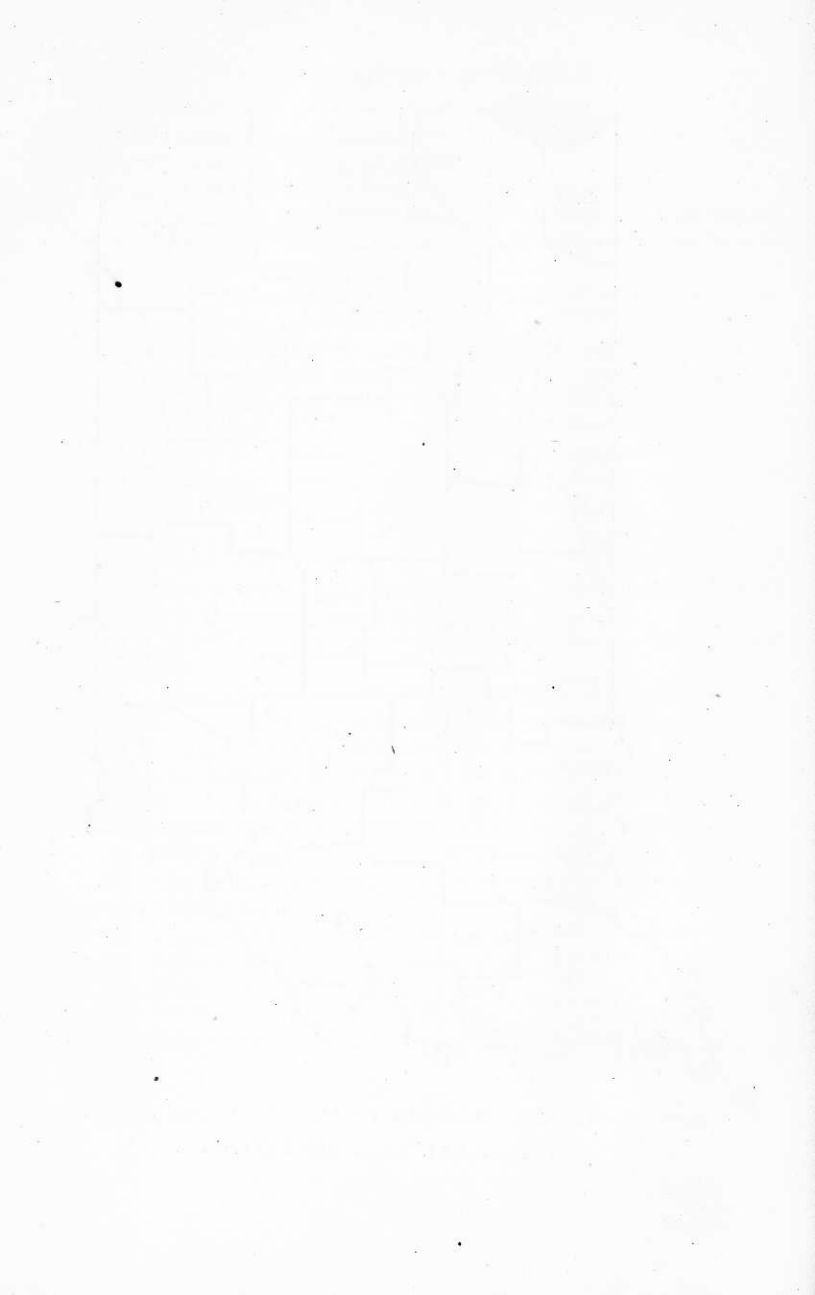
QUESTIONS

1. Into how many departments is the government of Indiana divided?
2. What is the function of each department?
3. Compare the distribution of the powers of the state government with that of the powers of the national government.
4. Of what does the state legislature consist?
5. Give reasons for having two branches of the state legislature.
6. What is the limit to the number of representatives and senators in the state legislature? Has the limit been reached?
7. How are the members of the general assembly chosen, and how are the presiding officers chosen?
8. What are the qualifications for membership in the two houses of the general assembly?
9. Is there any distinction between the terms "state legislature" and "general assembly"?
10. Trace the steps by which a bill becomes a law.
11. Why are the state senators divided into two classes when the representatives are not?
12. Compare the process of impeachment in the state with the same process in the general government.
13. Is there any argument for increasing the length of the sessions of the general assembly?

14. What is the length of the term of office of the governor?
15. What are the requisite qualifications?
16. What are the chief powers and duties of the governor?
17. Compare the veto power of the governor with that of the president.
18. Why should the same qualifications be required for the lieutenant governor as for the governor?
19. Name the state administrative officers that are elected by the people, and describe the duties of each.
20. What administrative appointments are made by the governor?
21. Name the various boards that assist in state administration.
22. What is meant by making a board nonpartisan?
23. Where is the judicial power of the state vested?
24. What is the appellate jurisdiction of the supreme court?
25. How are the judges of the supreme court chosen?
26. Give the origin of the appellate court.
27. What are circuit courts? superior courts? criminal courts?
28. What is the purpose for which courts are established?
29. What is meant by original jurisdiction? exclusive jurisdiction? concurrent jurisdiction? appellate jurisdiction?
30. Can you give any reasons why judges should be appointed and not elected?
31. Locate and give reasons for the existence of the various state institutions, — charitable, penal, and educational.
32. How does the state obtain its financial support?
33. What right has the state to tax the property of its citizens?
34. Does the state give anything to the citizen in return?
35. How are the state taxes collected?
36. What is meant by the state militia?
37. Why is the state militia required to use the military tactics of the United States army?
38. What are the functions of the state board of education?
39. Trace accurately the boundaries of the state.
40. What is meant by state jurisdiction?
41. What is meant by state sovereignty?
42. How would you amend the constitution of the state?



MAP OF INDIANA, SHOWING DISTRICTS OF THE STATE
FOR NATIONAL REPRESENTATIVES



CHAPTER IV

LOCAL GOVERNMENT IN INDIANA

The English settlers in America brought with them certain ideas of local government, which had been handed down for many generations. These ideas developed in two different atmospheres in this country. In New England the township (Boynton, § 56) became the unit, while in Virginia (Boynton, § 61) the county, a somewhat larger unit, became supreme. This is largely accounted for by the distribution of population in these respective localities, the southern districts being sparsely populated, while the northern parts were more thickly settled. All the forms of local government existing in the United States can be traced back to one or both of these origins. We have a mixed system in Indiana, that is, local authority is divided between the county officers and the township officers. The county and township government of Indiana is of an executive and judicial nature. Another form of local government is the municipal. It is a highly developed form of township, being made necessary by the very complex life in our modern towns and cities.¹

THE COUNTY

The county (Boynton, § 58) first claims our attention as it stands next to the state. The state has the power to unite counties or divide them, provided no county be reduced to

¹ An essential distinction between a municipal corporation and a town is that town government is traditional, while city government is imposed offhand.

FORMATION AND ORGANIZATION OF COUNTIES IN INDIANA

<i>Present name of county</i>	<i>What the territory was named and known by before it took the present county name. Blank lines indicate no territorial name other than that of the territory or state</i>	<i>Date of county formation; also the date of organization where both were included in the same act</i>	<i>Date of county organization where the organization was a separate act</i>	<i>Sources of authority for the facts given. Dates of Session Laws are given by the year in which the session met</i>
Adams.....		February 7, 1835.....	January 23, 1836.....	Session Laws, 1834, p. 44; 1835, p. 46
Allen.....	Randolph and Delaware Counties.....	December 17, 1823.....		Session Laws (R. S. 1824), 1823, p. 109
Bartholomew.....	Jackson and Delaware Counties.....	January 8, 1821.....		Session Laws, 1820, p. 79
Benton.....	Jasper County.....	February 18, 1840.....		Session Laws, 1839, p. 62
Blackford.....	Jay County.....	February 15, 1838.....		Local Laws, 1837, p. 290
Boone.....		January 29, 1830.....		Session Laws, 1829, p. 31
Brown.....		February 4, 1836.....		Session Laws, 1835, p. 52
Carroll.....	Wabash County.....	January 7, 1828.....		Session Laws, 1827, p. 21
Cass.....		December 18, 1828.....		Session Laws, 1828, p. 26
Clark.....	Knox County.....	1802... {	No legislative record found. proclamation	Formation probably by
Clay.....	{ Owen, Sullivan, Vigo, and Putnam } Counties.....	February 12, 1825.....		Session Laws, 1825, p. 17
Clinton.....		January 29, 1830.....		Session Laws, 1829, p. 33
Crawford.....	{ Harrison, Orange, and Perry Counties } Counties.....	January 29, 1818.....		Special Laws, 1817, p. 25
Daviess.....	Knox County.....	December 24, 1816.....		Session Laws, 1816, p. 102
Dearborn.....	Knox County.....	1805... {	No legislative record found. proclamation	Formation probably by
Decatur.....	Delaware County.....	December 31, 1821.....		Session Laws, 1821, p. 67
Dekalb.....		February 7, 1835.....	January 14, 1836.....	Session Laws, 1834, p. 44; 1836, p. 57
Delaware.....	New Purchase.....	January 22, 1820.....	January 26, 1827.....	Session Laws, 1819, p. 95; 1826, p. 12
Dubois.....	Pike County.....	December 26, 1817.....		Special Laws, 1817, p. 16
Elkhart.....		January 29, 1830.....		Session Laws, 1829, p. 29
Fayette.....	Franklin and Wayne Counties.....	December 28, 1818.....		Session Laws, 1818, p. 103

¹ For the facts concerning Clark and Dearborn counties I am unable to find legislative authority. I have taken what is indicated from Z. T. Emerson, in "History of Knox County," p. 148.

Floyd.....	Clark and Harrison Counties.....	January 2, 1819.....	Session Laws, 1818, p. 99
Fountain.....	Montgomery and Wabash Counties.....	December 30, 1825.....	Session Laws, 1825, p. 13
Franklin.....	Dearborn and Clark Counties.....	November 27, 1810.....	Territorial Laws, 1810, p. 19
Fulton.....		February 7, 1835.....	Session Laws, 1834, p. 45; 1835, p. 48
Gibson.....	Knox County.....	March 9, 1813.....	Territorial Laws, 1813, p. 67
Grant.....		February 10, 1831.....	Special Laws, 1830, p. 16
Greene.....	Sullivan and Daviess Counties.....	January 5, 1821.....	Session Laws, 1820, p. 114
Hamilton.....	Marion County.....	January 8, 1823.....	Session Laws, 1822, p. 100
Hancock.....	Madison County.....	January 26, 1827.....	Session Laws, 1826, p. 84; 1827, p. 19
Harrison.....	Knox and Clark Counties.....	October 11, 1808.....	Territorial Laws, 1808, p. 3
Hendricks.....	Wabash County.....	December 20, 1823.....	Session Laws (R. S. 1824), p. 111
Henry.....	Delaware County.....	December 31, 1821.....	Session Laws, 1821, p. 115
(Richardsville) {	Great Miami Reservation, including	{ As Richardsville County, including Tipton, February 16, 1839.....	Session Laws, 1838, p. 76; 1843, p. 10
Howard.....	Tipton County.....		Local Laws, 1846, p. 261
			Session Laws, 1831, p. 112
Huntington.....	Washington and Jefferson Counties.....	February 2, 1832.....	Territorial Laws, 1815, p. 3
Jackson.....		December 18, 1815.....	Session Laws, 1834, p. 46
Jasper.....		February 7, 1835.....	Session Laws, 1834, p. 44; 1835, p. 47
Jay.....		February 7, 1835.....	Territorial Laws, 1810, p. 14
Jefferson.....	Dearborn and Clark Counties.....	November 23, 1810.....	Session Laws, 1816, p. 197
Jennings.....	Jackson and Jefferson Counties.....	December 27, 1816.....	Session Laws, 1822, p. 22
Johnson.....	Delaware County.....	December 31, 1822.....	Session Laws, 1834, p. 45; 1835, p. 55
2 Knox.....	Northwest Territory.....	January 14, 1790.....	Session Laws, 1831, p. 110
Kosciusko.....		February 7, 1835.....	Session Laws, 1835, p. 51; 1836, p. 55
Lagrange.....		February 2, 1832.....	Session Laws, 1831, p. 9
Lake.....		January 28, 1836.....	Special Laws, 1817, p. 12
Laporte.....		January 9, 1832.....	Session Laws, 1822, p. 94
Lawrence.....	Orange County.....	January 7, 1818.....	Session Laws, 1821, p. 135
Madison.....		January 4, 1823.....	Session Laws, 1834, p. 46; 1835, p. 49
Marion.....	Delaware County.....	December 31, 1821.....	
Marshall.....		February 7, 1835.....	

² In addition to the facts from Z. T. Emerson, in "History of Knox County," p. 148, I have used a date found upon a map of Knox County prepared by Samuel Morrison in October, 1875, and now in the state library. Inferring from later legislation, the actual boundary of Knox County seems to have been on the north, the present north lines of the following counties: Parke, Putnam, Monroe, Jackson, Jennings, Fayette, and Union, including part of Wayne.

<i>Present name of county</i>	<i>What the territory was named and known by before it took the present county name. Blank lines indi- cate no territorial name other than that of the territory or state</i>	<i>Date of county for- mation; also the date of organiza- tion where both were included in the same act</i>	<i>Date of county or- ganization where the organization was a separate act</i>	<i>Sources of authority for the facts given. Dates of Session Laws are given by the year in which the ses- sion met</i>
Martin	Daviess and Dubois Counties	January 17, 1820	January 2, 1834	Session Laws, 1819, p. 55
Miami	Orange County	February 2, 1832	January 2, 1834	Session Laws, 1831, p. 113; 1833, p. 64
Monroe	Orange County	January 14, 1818		Special Laws, 1817, p. 14
Montgomery	Wabash County	December 21, 1822		Session Laws, 1822, p. 7
Morgan	Delaware and Wabash Counties	December 31, 1821		Session Laws, 1821, p. 35
Newton		February 7, 1835		Session Laws, 1834, p. 46
Noble		February 7, 1835	February 6, 1836	Session Laws, 1834, p. 43; 1835, p. 54
Ohio	Dearborn County	January 4, 1844		Session Laws, 1843, p. 7
Orange	{ Washington, Gibson, and Knox Counties	December 26, 1815		Territorial Laws, 1815, p. 57
Owen	Sullivan and Daviess Counties	December 21, 1818		Session Laws, 1819, p. 11
Parke	Vigo County	January 9, 1821		Session Laws, 1820, p. 63
Perry	Warrick and Gibson Counties	September 7, 1814		Territorial Laws, 1814, p. 18
Pike	Knox, Perry, and Gibson Counties	December 21, 1816		Session Laws, 1816, p. 208
Porter		February 7, 1835	January 28, 1836	Session Laws, 1834, p. 47; 1835, p. 51
Posey	Warrick County	September 7, 1814		Territorial Laws, 1814, p. 18
Pulaski		February 7, 1835	February 18, 1839	Session Laws, 1834, p. 46; 1838, p. 34
Putnam	Owen and Vigo Counties	December 31, 1821		Session Laws, 1821, p. 65
Randolph	Wayne	January 10, 1818		Special Laws, 1817, p. 18
Ripley	Jennings and Dearborn Counties	December 27, 1816	January 14, 1818	{ Session Laws, 1816, p. 199; Special, 1817, p. 32
Rush	Delaware County	December 31, 1821		Session Laws, 1821, p. 61
Scott	{ Clark, Jefferson, Jennings, Jack- son, and Washington Counties	January 12, 1820		Session Laws, 1819, p. 51
Shelby	Delaware County	December 31, 1821		Session Laws, 1821, p. 52
Spencer	Warrick and Perry Counties	January 10, 1818		Special Laws, 1817, p. 20
Starke		February 7, 1835		Session Laws, 1834, p. 46
Steuben		February 7, 1835	January 18, 1837	Session Laws, 1834, p. 45; 1836, p. 56

St. Joseph.....	January 29, 1830.....	Session Laws, 1829, p. 28
Sullivan.....	December 30, 1816.....	Session Laws, 1816, p. 205
Switzerland.....	September 7, 1814.....	Territorial Laws, 1814, p. 30
Tippecanoe.....	January 20, 1826.....	Session Laws, 1825, p. 14
Tipton.....	{ Great Miami Reservation, then Richardsville County, including Howard..... }	{ January 15, 1844..... Session Laws, 1838, p. 76; 1843, p. 10
Union.....	{ Franklin, Wayne, and Fayette Counties..... }	{ January 5, 1821..... Session Laws, 1820, p. 126; 1821, p. 103
Vanderburg.....	{ Warrick, Gibson, and Posey Coun- ties..... }	{ January 7, 1818..... Special Laws, 1817, p. 22
Vermilion.....	Parke and Wabash Counties.....	Session Laws, 1823 (R. S. 1824), p. 113
Vigo.....	Sullivan County.....	Special Laws, 1817, p. 34
Wabash.....	New Purchase.....	{ Session Laws, 1819, p. 95; 1831, p. 113; 1834, p. 42
Warren.....	Wabash County.....	Session Laws, 1826, p. 14
Warrick.....	Knox County.....	Territorial Laws, 1813, p. 67
Washington.....	Harrison and Clark Counties.....	Territorial Laws, 1813, p. 91
Wayne.....	Dearborn and Clark Counties.....	Territorial Laws, 1816, p. 19
Wells.....	February 7, 1835.....	Session Laws, 1834, p. 44; 1836, p. 59
White.....	February 1, 1834.....	Session Laws, 1833, p. 67
Whitley.....	February 7, 1835.....	Session Laws, 1834, p. 45

NOTE. It will be noted that about forty counties were formed from the original Knox, and about twenty-seven out of the New Purchase, which was divided into Wabash and Delaware counties, January 22, 1820.

less than four hundred square miles.¹ There are, at present, ninety-two counties in Indiana.

By the state constitution the legislature is prohibited from passing special laws to regulate local affairs,² these being expressly reserved to the smaller units themselves. The chief burden of enforcing the laws rests upon the county officers. Each county has what is called the county seat. It is usually the principal town or city in the county and generally has a central location. The courthouse, jail, and the offices of the county officers are located there. It is the place where all the county business is transacted. The state constitution provides for the following county officers :³ a clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner, and surveyor. It also states that other necessary officers may be elected or appointed as prescribed by law ;⁴ among these are the county commissioners, county council, assessor, superintendent of schools, jury commissioners, probate commissioners, master commissioners, board of county charities and corrections, board of children's guardians, superintendent of county asylums, and county physician. All of the first group are elected by popular vote. Several of the second class receive their places similarly. Those receiving their offices by appointment will be noted separately. All persons elected to county offices must be voters in the county. Each officer must have lived in the county at least one year immediately preceding his election or appointment.⁵ Vacancies occurring in the elective offices, except that of county superintendent,⁶ are filled by appointment by the county commissioners. Those occurring

¹ Art. XV, Sec. 7.

² Art. IV, Sec. 22. Some local affairs may be regulated, however.

³ Art. VI, Sec. 2.

⁴ Art. VI, Sec. 3.

⁵ Art. VI, Sec. 4.

⁶ He is elected by the township trustees of his county.

in appointive offices are filled by the power that made the first appointment. Any officer may be removed upon being convicted by a jury for offenses against the state laws.

County Commissioners. We will first notice the county commissioners. There are two or three ways of selecting them in states where the mixed system exists. In Indiana each county is divided into three districts. From the voters of each district the voters of the whole county elect a commissioner for a term of three years. The board meets regularly the first Monday in each month. The meetings are open to all voters, and when in session they constitute a court for the transaction of county business. They have judicial and legislative power and quite a large amount of administrative authority. They have control over the county property; they regulate highways, bridges, water courses, and public buildings; they may grant vendors' and liquor licenses; they let contracts; audit books of those officers who handle county money and audit the warrants of township trustees. They have oversight of the poor and indigent, providing them with food, homes, a physician, etc. They have many other powers and duties, but these are some of the most important. Their compensation in each county is fixed by law. It ranges from \$100 to \$2200 per year.

The County Council. The county council consists of seven members, four elected from districts provided for the purpose, and three from the county as a whole. They are elected for four years, and no person is eligible who holds any other state, county, or township office. The county auditor acts as clerk, and the county sheriff is the chief administrative and executive officer. The council is required to hold an annual meeting in September, though the auditor may call special meetings. It

has the power to expel one of its own members for official misconduct. It has charge of borrowing money and may fix the tax rate for purposes where it is not fixed by law. County officers and township assessors are required to prepare itemized statements of the amount necessary to meet the county expenses for the ensuing year. These must be filed with the auditor. He, in turn, presents them to the council with recommendations or suggestions, and the council accepts or rejects them. By a three-fourths vote it may appropriate money for an item not contained in these statements. If the council desires, unexpended appropriations revert to the general fund. The salary of a councilman ranges from \$10 to \$20 per year.

Clerk of the Circuit Court. The clerk of the circuit court is a very important officer. He is elected for a term of four years and is eligible only eight years in any period of twelve. He must attend the sessions of the circuit court and keep a complete record of its actions. He has power to issue marriage licenses, which he reports to the county health officer. He administers oaths. He may issue licenses for the practice of dentistry and medicine. In cases of insanity examinations he keeps a record of the proceedings, makes applications for admission to asylums, and sees that the inmate is provided with sufficient clothing, etc. His salary varies in different counties, but the average salary for this office is about \$2200.

County Auditor. In the case of the county auditor the same rules apply as to term and reelection as apply in the case of the county clerk. He is the county's head bookkeeper and business agent. He serves as secretary of the board of commissioners. He settles accounts and demands against the county. For this purpose he may order the treasurer to pay out money. He takes the school enumeration as reported by

the township trustees, corrects all errors, and reports to the auditor of state. He may loan the school fund and can bring suit against any one who is delinquent in interest or principal of the same. He makes out the amount of tax due from each person and delivers the list to the treasurer. He is a member of the county board of review. His salary ranges from \$1100 to \$17,500 per year.

County Treasurer. The treasurer is elected for a term of two years and is not eligible more than four years in any six. As the name implies, he has charge of the county money. He gives a receipt for all money received and pays out only as he is ordered to do so by the proper authority. He is required to give bond, with four good securities for twice the amount of money that he may have at any time. He is subject to removal by the board of commissioners. He is required to keep a separate account for each fund in his charge, keep the books open for inspection by the commissioners, pay to the state treasurer the state's share of the taxes collected, and turn over to the township trustees each township's share of the revenue. He collects delinquent taxes, having power to sell property for this purpose. He is a member of the county board of review. In counties whose county seat is a city of first, second, or third class the county treasurer acts as city treasurer also. The yearly salary ranges from \$800 to \$11,000, with the additional per cent of all delinquent taxes collected. The treasurer of Marion County receives \$8500 per year for serving as treasurer of Indianapolis besides the maximum salary as county treasurer. He also receives five per cent on all delinquent taxes which he collects.

Recorder. The recorder is another officer who is elected for a term of four years, but who cannot twice succeed himself.

This office has been created to keep an official record of important documents, transactions, etc., in which the general public is interested. It is unsafe to depend upon such being kept entirely by private individuals. The recorder keeps a record of all deeds to land, leases for longer than three years, mortgages, apprentices' papers, contracts, dentists' certificates, certificates of incorporation, maps and plats of the boundaries of the county and of townships, towns, and cities within it, and many other things of like nature. A certain fee is charged for each entry. He receives thirty per cent of these fees. His regular salary is from \$700 to \$12,000 in addition to the fees. He is required to keep a complete index of all records, so that they may be readily accessible.

Sheriff. The sheriff is elected for two years, and, like most of the other officers, may not serve more than two terms in succession. This is the oldest office of all, and was instituted in England, which was divided into shires. The principal officer of the shire was the shire reeve. He called together the shire moot and presided over its meetings. He also executed its decrees. Although the office has lost much of its power and most of its glory, the sheriff, as he is now called, is still the chief executive officer of the county. He has power to make arrests, and in this may call to his assistance citizens of the county. Any one refusing to aid is liable to a fine of from \$5 to \$100. If the citizens summoned by the sheriff are not able to perform a given task, the sheriff may call upon the governor. If the state militia is insufficient, the governor may call upon the president for the aid of the national troops. The sheriff may go into any part of the state in pursuit of criminals. He executes the decrees of the court and has control of the jail and all

prisoners in it. Prior to 1889 he was obliged to inflict the death penalty when it was ordered by the court. Since that time, however, he merely conducts the sentenced man to the state prison. In counties having a population of 50,000 or more the sheriff appoints a prison matron, who cares for all female prisoners and children under fourteen who are under arrest. The yearly salary varies from \$1000 to \$13,000 (Boynton, § 59).

County Coroner. The office of coroner is another old office which has lost much of its former prestige. The term is two years, with no restrictions as to reelection. The office was established as a check upon the sheriff's power. At present the county coroner is the only officer who can issue a warrant for the arrest of the sheriff. When the sheriff, for any reason, is prevented from doing his duty the coroner acts in his place.

His usual duty is to examine the bodies of all persons who are supposed to have met death by accident or violence. He may summon witnesses to ascertain the facts, and he renders his verdict in writing. He may order the arrest of any person suspected of the crime. In Marion County the coroner receives an annual salary of \$3000. In the other counties he receives only the fees of his office.

County Assessor. The term of office of the county assessor is the same as that of the recorder and is also restricted to eight years in any period of twelve. He must have been a resident freeholder and householder in the county for at least four years prior to his election. He supervises the work of the township assessors, being required to visit each of them once a year. He is a member of the county board of review. His salary varies.

County Surveyor. The county surveyor, like the coroner, is elected for a term of two years, but may be reëlected indefinitely. He is required to resurvey all lands when requested by the owner to do so. He keeps all the maps, charts, etc., connected with his office. He is a drainage commissioner, having charge of all drains. The surveyor's salary is \$4 per day for time actually employed.

County Superintendent of Public Instruction. The county superintendent of public instruction is elected by the township trustees for a term of four years. There is no restriction upon his reëlection. He must at the time of his election hold a thirty-six months', a sixty months', a professional, or a life license to teach in the common schools of the state. He has control over all the schools outside of the cities. He conducts teachers' examinations and may award licenses to those passing. He also has power to revoke these licenses for cause. He is required to visit each school at least once a year, attend teachers' institutes, and, in general, oversee and encourage the cause of education in the county. He is obliged to make an annual report to the state superintendent. He is a member of the board that appoints truant officers. He receives \$4.50 per day for the time he is actually employed in performing the duties connected with his office.

Jury Commissioners. The jury commissioners are two in number and are appointed by the judge of the circuit court. They must be of opposite political parties and serve for one year. From the names of the voters in the county, they select the names of twice as many men as will be needed for both the grand and petit juries for the year. Any person who has served as a juror within one year, or who is not a freeholder, or who is interested in any case that is pending, is excluded.

The names are put in a box which is locked and delivered to the clerk of the circuit court, the key being kept by the commissioner of opposite political party from the clerk. Within the week preceding the opening of any criminal or circuit court, the clerk, after shaking the box, draws from it the names of six persons to serve on the grand jury and twelve other persons to serve on the petit jury. Any one who refuses to serve as jury commissioner is liable to a fine of from \$5 to \$100 for contempt of court. Each commissioner receives \$3 for each day he is actually employed.

Probate Commissioner. A probate commissioner may be appointed by the circuit judge to attend to the probate business of the court. This is only in counties having a voting population of over 10,000. He has jurisdiction over wills, settlement of estates, etc. He may administer oaths. His salary is determined by the judge, and his term of office is four years. At least one master commissioner is appointed for each county by the above-mentioned appointing power. They have power to administer oaths, sell real estate when so directed by the court, etc.

Charities and Corrections. The board of charities and corrections is appointed by the judge upon the petition of fifteen citizens. It consists of six persons divided equally politically, one of whom must be a woman. The members receive no remuneration. They visit all charitable and correctional institutions quarterly and report to the county commissioners, the judge of the circuit court, and the state board of charities. There may also be appointed in each county by the circuit court a board of the same number to serve as children's guardians. They have the care of neglected and dependent children, and may place them in homes, orphan asylums, or

indenture them without the parents' consent. They report to the board of state charities and serve without pay.

Every two years the county commissioners elect the superintendent of the county asylum. He is obliged to receive and employ those persons who may become public charges. He makes a semiannual report to the board, giving the condition, health, number, etc., the amount of labor performed by them, and the expense incurred. The commissioners may also contract with one or more physicians to attend upon the poor or those confined in jail.

Board of Review. The county board of review, which has already been mentioned, consists of the auditor, treasurer, and assessor of the county, together with two freeholders appointed by the judge of the circuit court. They review the assessments and make the burden of taxation as nearly equal throughout the country as possible.

THE TOWNSHIP

We will now take up the smaller unit, known as the township. Its origin dates back farther than any of our political institutions. When our Anglo-Saxon ancestors (Boynton, § 54) lived on the continent, several families would group themselves together around some favorable place. For self-defense they would build a hedge or fence around where they lived. They called this a *tun*, and the inclosed portion was called the *tunscipe*, and later, township. The township in Indiana is a corporate body, having power to make contracts, appear in the courts, etc. It usually conforms as nearly as possible to the congressional township, which is six miles square.

Township Officers. The township officers are: advisory board, trustee, assessor, justice of the peace, constables, road supervisor, and school director. The last is abandoned in many sections. The last two are elected biennially by the voters in the respective districts. The others are elected by the voters and serve for four years.

Advisory Board. The advisory board consists of three members. It controls the finances of the township. In September the trustee is required to submit an itemized estimate of expenditures for the ensuing years. The board may accept it or reject it in whole or in part. In January he is required to make settlement for the past year. The board has the power to borrow money and regulate the tax rate for the township.

Trustee. The trustee is the most important officer in the township. He is one of the most powerful officers connected with local government. He is elected for four years and cannot serve two terms in succession. His power is partly judicial in that he audits the supervisor's accounts and examines all other accounts against the township. His chief importance is in connection with his administrative duties, however. This part of his work may be divided into the following: finances, roads, elections, the poor, and schools. He has charge of the financial affairs of the township. He is auditor and treasurer combined. He must always keep his books open for inspection. He may, upon petition, redivide the township into road districts. He looks after fences and drainage. The trustee is required to make an enumeration every six years of all male citizens over twenty-one years of age in his township. This list is the basis for the apportionment of senators and representatives. The trustee also has some duties in connection with elections. Another division of his work

that takes quite a good deal of time is looking after the poor in the township. He is required to keep a list of all those in the township who are unable to support themselves. He must keep a detailed record of all assistance given to such. The trustee of the civil township is trustee and clerk of the school township. "The two corporations are as distinct and separate legal entities as if they existed in different territory, had an entirely different set of officers, and had no connection in any way with each other."¹ The trustee must keep the school funds entirely separate from the funds of the civil township. He employs the teachers, establishes and keeps up schoolhouses, grounds, etc. He furnishes all supplies. He makes an enumeration every year of all persons between the ages of six and twenty-one years. This is reported to the county superintendent. The trustee receives two dollars for each day that he is actually employed.

Assessor. The township assessor serves four years and may not succeed himself. He lists and assesses all taxable property and returns the same to the auditor. In townships whose population is less than 5000 he receives \$2.50 per day for the time he is actually employed. For those of denser population he receives from \$200 to \$1800 annually.

Road Supervisor. The road supervisor is elected by the voters of the road district for a term of two years. He carries out the orders of the county commissioners with regard to highways, bridges, etc. He may call out all able-bodied men, except those exempted by law, to assist. He receives \$1.50 per day for the time he is actually employed.

School Director. The school director is an officer whose importance is lessening considerably. Formerly he called

¹ 62 Ind. 230, *Utica Township Clark County vs. Miller et al.*

meetings of the voters in the school district, had charge of the grounds, buildings, etc., but lately, in many places, the office has been entirely abandoned.

Justice of the Peace. The office of justice of the peace dates back to about the twelfth century. It has much to do with preserving good order in the township. The justices are the judicial officers of the township. Their number is determined by the commissioners. They have jurisdiction in a number of cases of minor importance. Any one may appeal from them to the circuit court. They may solemnize marriage. There are an equal number of constables and justices. They bear almost the same relation to the township and the justices' courts that the sheriff does to the county and the circuit court.

MUNICIPAL GOVERNMENT ¹

In thinly settled portions of the country, county and township governments are sufficient; but as interests increase and business develops, the people congregate in towns and cities. As this life becomes more complex, they need different forms of government. To these groups the state grants special forms of government, which are called municipal. This is necessary in order that the town or city may be protected against fire and provided with waterworks and street lights, — the safeguards of health and public welfare.

Municipal governments are concerned chiefly with local affairs. In Indiana they are divided into two groups known as "towns" and "cities." The term "village" is applied to those small groups of families who live close together, but who do not have any political organization distinct from that

¹ Read Boynton's "School Civics," Chap. XX, pp. 293-307.

of the township. Towns may be incorporated if the majority of the voters desire it. Their organization is simple. The town is divided into from three to seven wards. From each ward a trustee is elected by the voters of the whole town. They serve four years, and they pass ordinances for the government of the town. They may establish fire departments, issue licenses to peddlers, prohibit gambling, and act on many other things which concern the well-being of the inhabitants. They elect a school board consisting of three members to look after educational affairs. The administrative officers are elected annually, and consist of clerk, treasurer, and marshal elected by the people; other officers are possible, but are appointed by the town trustees. Under certain conditions an incorporated town may dissolve itself.

In general form, city government resembles that of the state. The mayor corresponds to the governor, the city council to the legislature, the city courts to the state courts, and the administrative departments to similar departments in the state government. There is not much connection between the city and the county. The statutes of the state tell just what form of government a city of a certain size shall have. The legislature of 1905 of the state of Indiana enacted a law by which the cities of the state were classified and by which the offices of the city were defined, the qualifications of officers prescribed and their duties and powers stated, and the general functions of city government set forth. Under this law the cities of Indiana were divided into five classes, as follows: cities of the first class, population of 100,000 or more; cities of the second class, population of 45,000 to 100,000; cities of the third class, population of 20,000 to 45,000; cities of the fourth class,

population of 10,000 to 20,000 ; cities of the fifth class, population of less than 10,000. The elective officers of the city are a mayor, city judge, city clerk, city treasurer and councilmen. The government of all cities is divided into three departments, — executive, legislative, and judicial.

The Mayor. The chief executive is the mayor, except that in cities of the fifth class the marshal shall have charge of the police department, unless there is a board of police commissioners. The mayor is elected for a term of four years, and must have been a resident of the city for one year prior to his election as mayor. His chief powers and duties are to enforce the laws of the city and state ; to inform the city council of the condition of the city at least once each year ; to recommend measures to the council ; to call special meetings of the council ; to supervise subordinate officers and be responsible for them ; to fill by appointments any vacancies in city offices ; to appoint heads of new departments which may be created ; to sign all public acts of the city ; to approve or disapprove every act of the council ; to call heads of departments together for consultation and to investigate affairs of the city. Associated with him in administrative authority are certain officers and certain departments.

City Clerk. The city clerk acts as clerk of the city council, keeps a record of its proceedings, has charge of official papers and documents, and performs the usual duties of such an officer.

City Treasurer. The city treasurer is at the head of the department of assessment and collection. He receives, cares for, and disburses the city revenues.

The city comptroller is at the head of the department of finance, and his duties resemble those of an auditor.

Board of Public Works. The department of public works is controlled by a board of three. A city engineer, appointed by the mayor, is the servant of the board. This department has power to change, clean, and light the streets, erect power houses, establish gas and water works, and, in fact, control everything that could come under the name of public works. The department of public safety is under the control of three men who supervise the fire and police forces, inspect buildings, and look after similar matters of public welfare. They appoint the chief of the fire department and a superintendent of police, except that in cities whose population is between 10,000 and 35,000 there exists a metropolitan police commission that has full control of the police department.

Public Health. The department of public health and charities is under the control of a commission consisting of three physicians. They supervise city hospitals and dispensaries, register births and deaths, pass health ordinances, and have a general oversight over the health of the city. The city attorney is at the head of the legal department of the city and is the legal adviser of the officers. Various other departments may be created, the members of which are appointed by and are responsible to the mayor.

City Council. The legislative power is vested in the city council. It corresponds to the town trustees, but its powers are much more extensive. Its laws are called ordinances. The council is composed of one councilman from each ward of the city, and of not less than two, nor more than six, councilmen at large. Each member must have been a resident in the ward from which he is elected for six months prior to his election. The term of office is four years. The first regular meeting of the council elect is on the first Monday

in January following their election, and they meet thereafter at least once each month. A majority of all members constitutes a quorum, and a majority vote of all the members required to pass an act. The city council has power to make appropriations; fix salaries; pass measures for the protection of the city; regulate traffic, the speed of vehicles, and the location of factories and stores; protect individuals in the city; and license, tax, regulate, and restrain all business in the city.

City Judge. The judicial power is vested in a city court. The city judge, who is elected for a term of four years, exercises power similar to that of the justice of the peace. Associated with the city court is a bailiff, who is a police officer, and whose duties are like those of constable. The city judge is empowered to administer oaths, to assess fines of not more than \$500, to assess imprisonment for a term of not more than six months, to assess both fine and imprisonment, to enforce the orders of the court, and to make rules for the city court, provided they are in harmony with the laws of the state.

Education. Public schools are under the control of a school board of three trustees appointed by the city council for three years, one retiring each year, except in cities with a population of from 36,000 to 40,000, when the school board consists of five members elected at the regular city election for a term of four years.¹ Special provisions also apply to Indianapolis.

City Elections. City elections must be held on the first Tuesday after the first Monday in November, and the officers elect take up the duties of their respective offices at noon on the first Monday in January following.

¹ Laws of Indiana, 1909, Chap. 75.

Summary. Briefly summarizing, — the state passes general laws for the common welfare, providing that certain things shall be done and establishing in the main a uniform system of how they shall be done. It, however, does not deal with special cases.

The county stands next to the state. It passes rules for local affairs, regulating matters within its boundaries but still subject to the state.

The township, a smaller unit, is but a division of the county with the same principles applied. It reaches the real local needs.

The city is a modern development and is too complex to come under either the county or township unit, so a special government is established for it. The mayor and council are responsible for its welfare. The council passes laws and regulations, and the mayor — through his power of supervision and appointment — directs the policy of the city government and, in a great measure, controls the municipality.

QUESTIONS

1. How does the nature of local government differ from that of state government?
2. Name the officers of your county who are elected by the people.
3. What are the duties of each?
4. What are the qualifications required of county officers?
5. How are county commissioners elected?
6. Show that the county commissioners have duties pertaining to all three of the departments of government.
7. What is meant by the probate of a will?
8. Who records deeds?
9. Why is it important that deeds should be recorded?
10. What are the duties of the county superintendent of public instruction?
11. Name the township officers. How are they chosen?

12. Explain the variety of duties of the township trustee.
13. What is the size of a congressional township? What is its purpose?
14. How does the congressional township differ from the civil township?
15. What is the jurisdiction of the court of the justice of peace?
16. Why should there be special provisions made for the government of towns and cities?
17. Under what conditions may a town become a city?
18. Explain the difference between town and city governments.
19. From what source does a city derive its powers?
20. What is meant by a charter of a city?
21. Describe a city election.
22. Give the basis for the classification of the cities of Indiana.
23. What are the local subdivisions of a town and city?
24. Describe in detail the government of the town, city, or township in which you live.
25. Give reasons for and against holding local elections at the same time as general elections.
26. Show that taxation should be on a just and an equitable basis.
27. What principle should be recognized in all taxation?
28. What kinds of property are taxed?
29. Why is provision made for the exemption from taxation of certain property?
30. What sort of property is exempt from taxation?
31. How is the tax rate established?
32. What is a poll tax?
33. Describe all the steps in the collection of state taxes.
34. What is meant by equalization?
35. Who employs the teachers in the community in which you live?
36. What are the requirements for teaching in the public schools?
37. Why is a compulsory educational law just?
38. What is meant by a truant officer?
39. What is the reason for having a free-school system?
40. What are the principal sources from which the school fund is derived?



APPENDIX

CONSTITUTION OF THE STATE OF INDIANA

1851

PREAMBLE

To the end that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE I

BILL OF RIGHTS

SECTION 1. We declare that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well being. For the advancement of these ends, the people have at all times an indefeasible right to alter and reform their government.

SEC 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society or mode of worship; and no man shall be compelled to attend,

erect or support any place of worship, or to maintain any ministry against his consent.

SEC. 5. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness, in consequence of his opinion on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done to him, in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay.

SEC. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contract, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended except by the authority of the General Assembly.

SEC. 27. The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together, in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery nor involuntary servitude, within the State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. No indenture of any negro or mulatto, made or executed out of the bounds of the State, shall be valid within the State.

ARTICLE II

SUFFRAGE AND ELECTION

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of

naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

SEC. 3. No soldier, seaman or marine, in the army or navy of the United States, or their allies, shall be deemed to have acquired a residence in this State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine, have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of the State or of the United States.

SEC. 5. [Stricken out by constitutional amendment of March 24, 1881.]

SEC. 6. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible any person convicted of an infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, That offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; *And provided, also*, That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.

ARTICLE III

DISTRIBUTION OF POWERS

SECTION 1. The powers of the Government are divided into three separate departments: the Legislative, the Executive (including the Administrative), and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

ARTICLE IV

LEGISLATIVE

SECTION 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana"; and no law shall be enacted by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their

general election: *Provided, however,* That the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed by lot, to the one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: *Provided,* That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution.

SEC. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

SEC. 7. No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SEC. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the General Assembly; nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

SEC. 9. The sessions of the General Assembly shall be held biennially, at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

SEC. 10. Each House, when assembled, shall choose its own officers (the President of the Senate excepted), judge the elections, qualifications and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

SEC. 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days, until an organization shall have been effected.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, That on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases as, in the opinion of either House, may require secrecy.

SEC. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

SEC. 16. Each House shall have all powers necessary for a branch of the legislative department of a free and independent State.

SEC. 17. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each House; unless, in case of emergency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

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

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys and public squares;

Summoning and impaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation ;

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

Providing for supporting common schools, and for the preservation of school funds ;

In relation to fees or salaries ; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required ;

In relation to interest on money ;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting ;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provisions may be made by general law, for bringing suits against the State, as to all liabilities originating after the adoption of this Constitution ; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution ; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective houses.

SEC. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency ; which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the General Assembly shall receive for their services a compensation, to be fixed by law ; but no increase of

compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

SEC. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly, nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the people.

ARTICLE V

EXECUTIVE

SECTION 1. The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

SEC. 2. There shall be a Lieutenant Governor, who shall hold his office during four years.

SEC. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant Governor the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or under this State, shall fill the office of Governor or Lieutenant Governor.

SEC. 9. The official term of the Governor or Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation or inability to discharge the duties of the office, the same shall devolve on the Lieutenant Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer then shall act as Governor; and such officer shall act accordingly until the disability be removed or a Governor be elected.

SEC. 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

SEC. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

SEC. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections,

to the other House, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

SEC. 15. The Governor shall transact all necessary business with the officers of Government, and may require any information in writing from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.

SEC. 17. He shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting, each case of reprieve, commutation or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided, however,* That the General Assembly, may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

SEC. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly, or when, at any time, a vacancy shall have occurred

in any other State office, or in the office of Judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of Government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in Committee of the Whole, to join in debate, and to vote on all subjects, and, whenever the Senate shall be equally divided, he shall give the casting vote.

SEC. 22. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office during the term for which he shall have been elected.

ARTICLE VI

ADMINISTRATIVE

SECTION 1. There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

SEC. 2. There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor and Recorder shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder or Auditor

more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner, and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected or appointed as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside and keep the public records, books and papers, in any manner relating to the respective offices, at the seat of government.

SEC. 6. All county, township, and town officers shall reside within their respective counties, townships, and towns, and shall keep their respective offices at such places therein, and perform such duties as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All State, county, township, and town officers may be impeached, or removed from office, in such manner as may be prescribed by law.

SEC. 9. Vacancies in county, township, and town offices shall be filled in such manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local administrative character.

ARTICLE VII

JUDICIAL

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such other courts as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of not less than three, nor more than five Judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judge shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

SEC. 6. The General Assembly shall provide by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution, but no judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity

or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provision may be made, by law, for holding such courts.

SEC. 11. There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.

SEC. 12. Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office shall, during the term for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the Grand Jury system.

SEC. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all processes shall be, "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. And they shall

provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said commissioners to reduce into a systematic code the general statute law of the State; and said commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to the abridgement and amendment, as to said commissioners may seem necessary or proper. Provision shall be made by law for filling vacancies, regulating the tenure of office and the compensation of said commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

ARTICLE VIII

EDUCATION

SECTION 1. Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

SEC. 2. The common school fund shall consist of the congressional township fund, and the lands belonging thereto;

The surplus revenue fund;

The saline fund, and the lands belonging thereto;

The bank tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of

the sales thereof; including the proceeds of the sales of the Swamp Lands granted to the State of Indiana by the act of Congress, of the 28th of September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations that may be assessed by the General Assembly for Common School purposes.

SEC. 3. The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School Fund as have not heretofore been entrusted to the several counties; and shall make provisions, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest for Common School purposes, the same shall be reinvested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

ARTICLE IX

STATE INSTITUTIONS

SECTION 1. It shall be the duty of the General Assembly to provide by law for the support of Institutions for the Education of the Deaf and Dumb, and of the Blind; and, also, for the treatment of the Insane.

SEC. 2 The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

SEC. 3. The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

ARTICLE X

FINANCE

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stocks shall ever be paid by this State.

[NOTE. — Agreed to by a majority of the members elected to each of the two houses of the General Assembly, Regular Session of 1871, and referred to the General Assembly to be chosen at the next general election. Agreed to by a majority of the members elected to each house of the General Assembly, Special Session of 1872. Submitted to the electors of the State by an act approved January 28, 1873. Ratified by a majority of the electors, at an election held on the 18th day of February, 1873. Declared a part of the Constitution by proclamation of Thomas A. Hendricks, Governor, dated March 7, 1873.]

ARTICLE XI

CORPORATIONS.

SECTION 1. The General Assembly shall not have power to establish, or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of the State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

SEC. 6. The stockholders in every bank, or banking company, shall be individually responsible to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

ARTICLE XII

MILITIA

SECTION 1. The militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State;

and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law.

ARTICLE XIII

POLITICAL AND MUNICIPAL CORPORATIONS

SECTION 1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: *Provided*, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition.

[The original Article 13 is stricken out and the amendment of March 24, 1881, inserted in lieu thereof.]

ARTICLE XIV

BOUNDARIES

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by said east and west line, until the same shall intersect the first-mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction, and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

ARTICLE XV

MISCELLANEOUS

SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member

of the General Assembly, shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

SEC. 5. There shall be a seal of the State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

SEC. 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the State Seal, and attested by the Secretary of State.

SEC. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county under that area be further reduced.

SEC. 8. No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

SEC. 9. The following grounds owned by the State in Indianapolis, namely: the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven as lies north of the arm of the Central Canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE XVI

AMENDMENTS

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and, if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State,

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

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while such an amendment or amendments which shall have been agreed upon by one General Assembly shall be awaiting the action of the succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

SCHEDULE

This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in the government, it is hereby ordained as follows:

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

Second. All indictments, prosecutions, suits, pleas, complaints and other proceedings pending in any of the Courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions shall be carried on in the several Courts, in the same manner as is now provided by law.

Third. All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Fifth. The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

Sixth. There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

Eighth. The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

Ninth. The first election for Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor, and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices until their successors shall have been elected and qualified.

Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the term for which such person has been, or may be, elected, shall expire: *Provided*, That no such person shall continue in office after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

Eleventh. On the taking effect of this Constitution, all officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Twelfth. All vacancies that may occur in existing offices prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Thirteenth. At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thirteen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye," or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution, otherwise it shall be void and form no part thereof.

Fourteenth. No article or section of this Constitution shall be submitted as a distinct proposition to a vote of the electors otherwise than as herein provided.

Fifteenth. Whenever a portion of the citizens of the counties of Perry and Spencer shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same by proper metes and bounds of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same out of the territory thus designated.

Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same, and the funds belonging to said town shall be applied according to the intention of the grantor.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord, one thousand eight hundred and fifty-one; and of the independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR

President and Delegate from the County of Lawrence

Attest: WM. H. ENGLISH

Principal Secretary

GEO. L. SITES

HERMAN G. BARKWELL

ROBERT M. EVANS

Assistant Secretaries

ADDENDA

The original sections stricken out or amended read as follows:

ARTICLE II

SUFFRAGE AND ELECTION

SECTION 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male, of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

SEC. 5. No negro or mulatto shall have the right of suffrage.

SEC. 14. All general elections shall be held on the second Tuesday in October.

ARTICLE IV

LEGISLATIVE

SECTION 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the *white* male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of *white* male inhabitants, above twenty-one years of age, in each: *Provided*, That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

SEC. 22. In relation to fees or salaries:

ARTICLE VII

JUDICIAL

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior courts as the General Assembly may establish.

ARTICLE XIII

NEGROES AND MULATTOES

SECTION 1. No negro or mulatto shall come into, or settle in, the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming into the State, contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their descendants, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

INDEX

- Adjutant general, 42
- Administrative departments, city,
72; state, 35
- Agriculture, state board of, 48
- Appellate court, 51
- Attorney-general, 38
- Auditor, county, 62; state, 36

- Ballot, 24
- Bibliography, 18
- Bill of rights, 19-21
- Bills, legislative, 29-32
- Blind, state school for, 49

- Charitable institutions, 49
- Charities, board of state, 46
- Circuit courts, 52
- City, classes, 72; officers, 73
- Clerk, city court, 73; circuit court,
52; supreme court, 51
- Commissioners, county, 61
- Constitution of Indiana, 79-108
- Coroner, 65
- Counties, 55-59
- County officers, 61-68
- County superintendent of schools,
66
- Courts, city, 75; circuit, 52; state,
50
- Custodian of public buildings, 42

- Deaf and dumb, institute for, 48
- Dental examiners, 47

- Education, state board of, 45
- Educational institutions, 48
- Elections, 23-24, 75
- Executive departments, city, 73;
county, 61; state, 32

- Factory inspector, 42
- Fisheries, 41
- Forestry, 47

- General assembly, 26
- Geology, 39
- Governor, 32-34

- Health boards, 44, 74
- Historical society of Indiana,
48
- House of representatives, 26

- Impeachments, 28
- Indiana, historical sketch of, 7-17
- Insane hospitals, 49
- Inspection, department of, 42
- Inspectors of elections, 24

- Judicial department, 50
- Jury, 66
- Justice of the peace, 71

- Labor commission, 43
- Laws, how passed, 28-32
- Legislative department, state, 26-32
- Legislative reference department, 41

- Librarian, state, 49; supreme court, 51
Library, state, 40
Lieutenant governor, 27, 32
Mayor, 73
Militia, 34-35, 42
Municipal government, 71
Normal school, 48
Northwest territory, 10
Notaries public, 42
Officeholding, disqualifications for, 22
Ordinance of 1787, 11
Pardons, 33
Penal institutions, 49
Police commissioners, 74
Preamble to state constitution, 19
Printing, public, 42
Prison, state, 49
Public accounting, 46
Public-library commission, 43
Railroad commission, 44
Recorder, county, 63
Reform schools, 49
Reformatory, state, 49
Religion, freedom of, 19
Reporter of supreme court, 51
Representation, 26
School fund, 39
Seal of the state, 36
Secretary of state, 36
Senate, 26
Sheriff, 64
State superintendent of public instruction, 38
Statistics, bureau of, 40
Suffrage, 21
Supreme court, 50
Surveyor, 66
Tax commissioners, 45
Township, 68
Treasurer, city, 73; county, 63; state, 36
Trustee, township, 69
Trustees of state institutions, 48-50.
University, state, 48
Veterinarian, state, 41
Veto, 31
Village, 71
Voters, qualifications of, 21