THE STATE CONSTITUTION OF SOUTH DAKOTA. PREAMBLE We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this constitution for the State of South Dakota. ARTICL E I NAME AND BOUNDARY SEC. 1. The name of the State shall be South Dakota. SEC. 2. The boundaries of the State of South Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the 7th standard parallel; thence west on the line of the 7th standard parallel produced due west to its intersection with the 27th meridian of longitude west from Washington, thence south on the 27th meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Iowa to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the St ate of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning. ARTICLE II DIVISION OF THE POWERS OF GOVERNMENT SEC. 1. The powers of the government of the state are divided into three distinct departments-the legislative, executive and judicial; and the powers and duties of each are prescribed by this constitution. ARTICLE III LEGISLATIVE DEP ARTMENT SEC. 1. The legislative power shall be vested in a senate and house of representatives which shall constitute the legislature of the State of South Dakota except as otherwise provided in this constitution. SEC. 2. The number of members of the house of representatives shall not be less than seventy- five nor more than one hundred and thirty-five. The number of members of the Senate shall not be less than twenty-five nor more than forty-five. The sessions of the legislature shall be annual and shall commence on the second Tuesday of January next following the election of members thereof, unless otherwise provided in this constitution. SEC. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the state or territory for two years next preceding his election, and who shall not have attained the age of twenty-five years. No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States or this state, or any foreign g overnment, shall be a member of the legislature; Provided, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the legislature or b ecome a member thereof. SEC. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been, or may be collector or holder of public moneys who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof. SEC. 5. The legislature shall provide by law for the enumeration of the inhabitant s of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at its first regular session after each enumeration, and also after each enumeration made by authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy; Provided, that the legisl ature may make an apportionment at its first session after the admission of South Dakota as a State. SEC. 6. The terms of the office of the members of the legislature shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the legislature, and ten cents for every mile of necessary travel in going to and returning from the place of meeting on the most usual route; but no session ion of the legislature shall not exceed sixty days, except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage. SEC. 7. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at 12 o'clock m., in the year next ensuing the election of members thereof, and at no other time except as provided by this constitution. SEC. 8. Members of the legislat ure and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any pr omise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act. The oath shall be administered by a judge of the supreme o r circuit, court, or the presiding officer of either house, in the hall of the house to which the member or officer is elected, and the secretary of state shall record and file the oath subscribed by each member and officer. Any member or officer of the legislature who shall refuse to take the oath herein prescribed shall forfeit his office. Any member or officer of the legislature who shall be convicted of having sworn falsely to or violated his said oath, shall forfeit, his offi ce and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature. SEC. 9. Each house shall be the judge of the election returns and qualifications of its own members. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such pen alties as each house may prescribe. Each house shall determine its proceedings, shall choose its own officers and employees and fix the pay thereof, except as otherwise provided in this constitution. SEC. 10. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. SEC. 11. Senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same; and for words used in any speech or debate in either house, they shall not be questioned in any other place. SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the State which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected, nor shall any m ember receive any civil appointment from the governor, the governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall any member of the legislature during the term for which he shall have been elected, or within one year thereafter, be interested, directly or indirectly, in any contract with the State o r any county thereof, authorized by any law passed during the term for which he shall have been elected. SEC. 13. Each house shall keep a journal of its proceedings and publish the same from time to time, except such parts as require secrecy and the yeas and nays of members on any question shall be taken at the desire of one-sixth of those present and entered upon the journal. SEC. 14. In all elections to be made by the legislature the members thereof shall vot e viva voce and their votes shall be entered in the journal. SEC. 15. The sessions of each house and of the committee of the whole shall be open, unless when the business is such as ought to be kept secret. SEC. 16. Neither house shall, without the consent of the other adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. SEC. 17. Every bill shall be read three several times, but the first and second reading may be on the same day, and the second reading may be by its title, unless the reading at length be demanded. The first and third readings shall be at length. SEC. 18. The enacting clause of a law shall be: "Be it enacted by the Legislature of the State of South Dakota" and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon its last reading, and the yeas and nays shall be entered upon the journal. SEC. 19. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered upon the journal. SEC. 20. Any bill may originate in either house of the legislature and a bill passed by one house may be amended by the other. SEC. 21. No law shall embrace more than one subject, which shall be expressed in its title. SEC. 22. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act) the legislature shall, by a vote of two-thirds of all the members elected of each house, otherwise direct. SEC. 23. The legislature is prohibited from enacting any private or special laws in the following cases: 1. Granting divorces. 2. Changing the names of persons or places, or constituting one person the heir-at-law of another. 3. Locating or changing county-seats. 4. Regulating county and township affairs. 5. Incorporating cities, towns and villages or changing or amending the charter of any town, city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and public ground. 6. Providing for sale or mortgage of real estate belonging to minor or others under disability. 7. Authorizing persons to keep ferries across streams wholly within the State. 8. Remitting fines, penalties or forfeitures. 9. Granting to an individual, association or corporation any special or exclusive privilege, immunity or franchise whatever. 10. Providing for the management of common schools. 11. Creating , increasing or decreasing fees, percentages or allowances of public officers during the t erm for which said. officers are elected or appointed. But the legislature may repeal any existing special law relating to the foregoing subdivisions. In all other cases where a general law can be applicable, no special law shall be enacted. SEC 24. The legislature shall have no power to release or extinguish, in whole or in part, the i ndebtedness, liability or obligation of any corporation or individual to this S tate or to any municipal corporation therein. SEC. 25. The legislature shall not authorize an y game of chance, lottery or gift enterprise, under any pretense, or for any p urpose whatever. SEC. 26. The legislature shall not delegate to any special commission, priv ate corporation or association any power to make, supervise or interfere wit h any municipal improvement, money, property, effects, whether held in trust or otherwise, or levy taxes or to select a capital site or to perform any municipal functions w hatever. SEC. 27. The legislature shall direct by law in what manner and in what court, suits may be brought against the State. SEC. 28. Any person who shall give, demand, off er, directly or indirectly, any money, testimonial, privilege or personal advantage, anything of valu e to an executive or judicial officer or member of the legislature to influence him in the performance of any of his official or public duties shall be guilty of bribery and shall b e punished in such manner as shall be provided by law. The offense of corr upt solicitation of members of the legislature, or of public officers of the State, or any municipal di vision thereof, and any effort toward solicitation of said members of the leg islature or officers to influence their official action shall be defined by law, and shall be punishabl e by fine, and imprisonment. Any person may, be compelled to testify in inv estigation or judicial proceedings against any person charged with having committed any offen se of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not after ward be used against him in any judicial proceeding except for bribery in gi ving such testimony, and any person convicted of either of the offenses aforesaid shall be dis qualified from holding any office or position or office of trust or profit in s State. ARTICLE IV EXECUTIVE DEPARTMENT SEC. 1. The executive power shall be vested i n a governor who shall hold his office for two years. A lieutenant governor shall be elected at the same time and for the same term. SEC. 2. No person shall be eli gible to the office of governor or lieutenant governor except a citizen of the United States and a qualified elector of the State, who shall have attained the age of 30 years, and who shall have resided two years next preceding the electi on within the State or territory; nor shall he be eligible to any other office during th e term for which he shall have been elected. SEC. 3.The governor and lieut enant governor shall be elected by the qualified electors of the State at the time an d places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall b e elected; but if two or more shall have an equal and highest number of vot es for governor or lieutenant governor, the two houses of the legislature at its ne t regular session shall forthwith, by joint ballot, choose one of such person s for said office. The returns of the election for governor and lieutenant governor s hall be made in such manner as shall be prescribed by law. SEC. 4. The go vernor shall be commander-in-chief of the military and naval forces of the State, e xcept when then shall be called into the service of the United States, and m ay call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. H e shall, at the commencement of each session, communicate to the legislature by message, information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall transact all necessary busin ess with the officers of the government, civil and military. He shall expedit e all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed. SEC. 5. The governor shall have pow er to remit fines and forfeitures, to grant reprieves, commutations and pardons af ter conviction for all offences except treason and cases of impeachment; provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life or a longer term than two years, or a fine exceeding $200, no pardon shall be granted, sentence commuted or fine remitted except. up on the recommendation in writing of a board of pardons, consisting of the presiding judge, secretary of state and attorney general, after full hearing in ope n session, and such recommendation, with the reasons therefor, shall be filed in the office of the secretary of state; but the legislature may by law in all ca ses regulate the manner in which the remission of fines, pardons, commu tations and reprieves may be applied for. Upon conviction for treason he shall ha ve the power to suspend the execution of the sentence until the case shal l be reported to the legislature at its next regular session, when the legislature s hall either pardon or commute the sentence, direct the execution of the se ntence or grant a further reprieve. He shall communicate to the legislature at eac h regular session, each case of remission of fine, reprieve, commutation o r pardon granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the co nvict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for g ranting the same. SEC. 6. In case of death, impeachment, resignation, failure to qualify, absence from the State, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term or u ntil he shall be acquitted, or the disability removed, shall devolve upon th e lieutenant governor. SEC. 7 . The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy of t he office of governor the lieutenant governor shall be impeached, displaced, res ign or die, or from mental or physical disease or otherwise, become incap able of performing the duties of his office the secretary of state shall act as gov ernor until the vacancy shall be filled or the disability removed. SEC. 8. W hen any office shall from any cause become vacant and no mode is provided by the constitution or law for filling such vacancy, the governor shall have th e power to fill such vacancy by appointment. SEC. 9. Every bill which shall hav e passed the legislature shall, before it becomes a law, be presented to th e governor. If lie approve, he shall sign it; but if not, he shall return it with his ob jection to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If after such reconsidera tion, two-thirds of the members present shall agree to pass the bill, it sha ll be sent together with the objection, to the other house, by which it shall likew ise be reconsidered, and if it be approved by two-thirds of the members p resent, it shall become a law; but in all such cases the vote of both houses shal l be determined by the yeas and nays, and the names of the members vot ing for and against the bill shall be entered upon the journal of each house resp ectively. If any bill shall [not] be returned by the governor within three da ys (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall by its adjournment prevent its retur n, in which case it shall be filed, with his objection, in the office of the secretary of state within ten days after such adjournment, or become a law. SEC. 1 0. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part o r parts of the bill approved shall be law, and the item or items disapproved shal l be void unless enacted in the following manner: If the legislature is in session it shall transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, a nd the items objected to shall be separately reconsidered, and each item shall t hen take the same course as is prescribed for the passage of bills over t he executive veto. SEC. 11. Any governor of this State who asks, receives, or a grees to receive any bribe upon any understanding that his official opini on, judgment or action shall be influenced thereby, or who gives or offers, or p romises his official influence in consideration that any member of the leg islature shall give his official vote or influence on any particular of any questio n or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power or who offers or promises any member that he, the said governor, will appoint, a ny particular person or persons to any office created or hereafter to be create d in consideration that any member shall give his official vote or influenc e on any matter pending or thereafter to be introduced into either house of sai d legislature or who threatens any member that he, the said governor, wi ll remove any person or persons from any office or position with intent to in n manner influence the official action of said member shall be punished in the manner now, or that may hereafter be, provided by law, and upon convi ction thereon shall forfeit all right to hold or exercise any office of trust o r honor in this State. SEC. 12. There shall be chosen by the qualified electors of the State, at the times and places of choosing members of the legislature a secretary of state, auditor, treasurer, superintendent of public instructio n, commissioner of school and public lands, and attorney general, who shall severally hold their offices for two years, but no person shall b e eligible to the office of treasurer for more than two terms consecutivel y. They shall respectively keep their offices at the seat of government. SEC. 13. Th e powers and duties of the secretary of state, auditor, treasurer, superin tendent of public instruction, commissioner of school and public lands and attorn ey general shall be as prescribed by law. ARTICLE V JUDICIAL DEPART MENT SEC. 1. The judicial powers of the State, except as in this constitution other wise provided, shall be vested in a supreme court, circuit courts, county courts and justices of the peace, and such other courts as may be created by la w in cities and incorporated towns. SUPREME COURT SEC. 2. The supr eme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, and shall h ave a general superintending control over all inferior courts, under such regulatio ns and limitations as may be prescribed by law. SEC. 3. The supreme co urt and the judges thereof shall have power to issue writs of habeas corpus. The su preme court shall have power to issue writs of mandamus, quo warrant o, certiorari, injunction and other original and remedial writs, with authority to hea r and determine the same in such cases and under such regulations as may be prescribed by law, provided, however, that no jury trials shall be allow ed in said supreme court, but, in proper cases, questions of fact may be sent by said court to a circuit court for a trial before a jury. SEC. 4. At least two terms of the supreme court shall be held each year at the seat of gov ernment. SEC. 5. The supreme court shall consist of three judges, to be c hosen from districts by qualified electors of the State at large, as herein after provided. SEC. 6. The number of said judges and districts may, after fiv e years from the admission of this State under this constitution, be incr eased by law to not exceeding five. SEC. 7. A majority of the judges of the su preme court shall be necessary to form a quorum or to pronounce a de cision, but one or more of said judges may adjourn the court from day to day or to a day certain. SEC. 8. The term of the judges of the supreme court who shall be elected at the first election under this constitution shall be four years. At all subsequent elections the term of said judges shall be six years. SEC. 9. The judges of the supreme court sha ll by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule. SEC. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this State or territory at least, two years next preceding his election and at the time of his election he shall be a resident of the district for which he is elected. SEC. 11. Until otherwise provided by law, the districts from which the said judges of the supreme court, shall b e elected shall be constituted as follows: First District - All that portion of the St ate lying west of the Missouri river. Second District - All that portion of the State lying east of the Missouri river and south of the second standard parallel. Third District - All that portion of the State lying east of the Missouri river and north of the second standard parallel. SEC. 12. There shall be a clerk and also a r eporter of the supreme court, who shall be appointed by the judges thereof and who Shall h old office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the supreme court not inconsistent with law. The legislature shall make provisions for the publication and distribution of the decisions of the supreme court, and for the sale of the publish ed volumes thereof. No pri vate person or corporation shall be allowed to secure any copyright to such decisio ns, but if any copyrights are secured they shall inure wholly to the benefit of the State. SEC. 13. The governor shall have authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions. CIRCUIT COURTS SE C. 14. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and s uch appellate jurisdiction as may be conferred by law and consistent with this constitution; such jurisdiction as to value and amount and grade of offense, may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus mandamus, quo warranto, certiorari, injunction and other original and remedial writs, wit h authority to hear and determine the same. SEC. 15. The state shall be divided int o judicial circuits in each of which there shall be one judge of the circuit court therein, whose term of office shall be four years. SEC. 16. Until otherwise ordered by law, said circuits shall be eight in number and constituted as follows, viz. First Circuit - The counties of Union, Clay, Yankton, Turner, Bon Homme, Hutchinson, Charles Mix, Dougla s, Todd, Gregory, Tripp and Lyman. Second Circuit - The counties of Minnehaha, McCook, Moody and Lake. Third Circuit - The counties of Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Roberts, Day, and the Wahpeton and Sisseton reservation, except such portion of such reservation as lies in Marshall county. Fourth Circuit - The counties of Sanborn, Davison, Aurora, Brule, Buffalo, Jerauld, Hanson, Miner, Lyman, Presho and P ratt. Fifth Circuit - The counties of Beadle, Spink, Brown and Marshall. Sixth Ci rcuit - The counties of Hand, Hyde, Hughes, Sully, Stanley, Potter, Faulk, Edmunds, Walworth, Campbell and McPherson and all that portion of said state lying east of the Missouri river and not included in any other judicial circuit. Seventh Circuit - The counties of Pennington, Custer, Fall River, Shannon, Washington, Ziebach, Sterling, Nowlin, Jackson, Washabaugh and Lugenb eel. Eighth Circuit - The counties of Lawrence, Meade, Scobey, Butte, Delano, Pyatt, Dewey, Boreman, Schnasse, Rinehart, Martin, Choteau, Ewing and Harding and all that portion of said state west of the Missouri river and north of the Big Cheyenne river and the north fork of the Cheyenne river not included in any other judicial circuit. SEC. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the State into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines, but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed. SEC. 18. Writs of error and appeals may be allowed from the decisions of the circuit co urts to the supreme court under such regulations as may be prescribed by law. COUNTY COURTS SEC. 19. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law. SEC. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate guardianship and settlement of estates of deceased pe rsons, and shall be conferred by law. Provided, that such courts shall not have jurisdiction in civil actions where the debt, damage, claim or value of property involved shall exceed one thousand dollars, except in matters of probate, guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the supreme court, in such cases and in such manner as ma y be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns. SEC. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legisla ture may provide. JUSTICE OF THE PEACE SEC. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question. POLICE MAGISTRATE SEC. 23. The legislature shall have power to provide for creating such police magis trate for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively, and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties. STATE'S ATTORNEY SEC. 24. The legislature shall have power to provide for State's attorneys and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of attorney general or State's attorney who shall not at the time of his election be at least 25 years of age and possess all the other qualifications for judges of circuit courts as prescribed in this article. MISCELLANEOUS SEC. 25. No person shall be eligible to the office of judge of the circuit or county courts unless he be learned in the law, be at least 25 years of age, and a citizen of the United States; nor unless he shall have resided in this st ate or territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected. SEC. 26. The judges of the supreme court, circuit courts and county courts shall be chosen at the first election held under the provisions of this constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers at a different day from that on which election is held for any other purpose and may, for the purpose of making such provision, extend or abridge the term of office for any such judges, then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the state, shall expire on the same day. SEC. 27. The time of holding courts within each judicial circuit and counties shall be established by law, but at least one t erm of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to original counties for judicial purposes. SEC. 28. Special terms of said courts may be held under such regulations as may be provided by law. SEC. 29. The judges of the circuit courts may hold courts in other circuits than their own under such regulations as may be prescribed by law. SEC. 30. The judges of the supreme court, circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this constitution, and no such judge shall receive any compensation, perquisite or emoluments for or on account of his office in any form whatever except such salary; provided that county judges may accept and receive such fees as may be allowed under the land laws of the United States. SEC. 31. No judge of the supreme court or cir cuit court shall act as attorney or counselor at law, nor shall any county judge act as an attorney or counselor at law in any case which is or may be brought into his court, or which may be appealed therefrom. SEC. 32. There shall be a clerk of the circuit court in each organized county who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law a nd regulated by the rules of the court consistent with the provisions of law. SEC. 33. Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme, circuit and county courts respectively shall fix the terms thereof. SEC. 34. All laws relating to courts shall be general and of uniform operation throughout the state, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform; Provided, however, that the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof, accordingly. SEC. 35. No judge of the supreme or circuit courts shall be eligible to any other judicial office or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the supreme court, circuit court or county court, given by the legislature or the people, shall be void. SEC. 36. All judges or other officers of the supreme, circuit or county courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified. SEC. 37. All officers provided for in this ar ticle shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election as follows: All judges of the supreme, circuit and county courts by the governor. All other judicial and other officers by the county board of the counties where the vacancy occurs; in cases of police magistrates, by the municipali ty. SEC. 38. All process shall run in the name of the "State of South Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of South Dakota." ARTICLE VI BILL OF RIGHTS SEC. 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments ar e instituted among men, deriving their just powers from the consent of the governed. SEC. 2. No person shall be deprived of life, liberty or property without due process of law. SEC. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excu se licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the State. No person shall be compelled to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution. SEC. 4. The rig ht of petition, and of the people peaceably, to assemble for the common good and make known their opinions, shall never be abridged. SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published, with good motives and for justifiable ends, shall be sufficient defense. the jury shall have the law under the direction of the court. SEC. 6. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record, and for the decision of civil cases by three-fourths of the jury in any court. SEC. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof ; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it. SEC. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense. SEC. 10. No person shall be held for a criminal offense unless on the presentment or indictment of the grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cogni zable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger. Provided, that the grand jury may be modified or abolished by law. SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches any seizures, shall not be violated, and no warrant shall issued but upon probable cause supported by affidavit, par ticularly describing the place to be searched and the person or thing to be seized. SEC. 12. No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant or privilege, franchise or immunity shall be passed. SEC. 13. Private property shall not be taken for public use, or damaged, without just compensation as determined by a jury, which shall be paid as soon as it can be ascertained and before possession is taken. No benefit whic h may accrue to the owner as a result of an improvement by a private corporation, may considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it was taken. SEC. 14. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property. SEC. 15. No im prisonment for debt arising out of or founded upon a contract. SEC. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law. SEC. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be equal and uniform. SEC. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations. SEC. 19. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the legislature. SE