

The Topeka Constitution <http://www.kansasmemory.org/item/221061>

Bill of Rights:

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deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the General Assembly.

Sec. 4. The people have the right to bear arms for their defense and security, but standing armies in time of peace are dangerous to liberty, and shall not be kept up; and the military shall be kept in strict subordination to the civil power.

Sec. 6. There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of crime.

Sec. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud.

Voting Rights:

Sec. 1. In all elections by the people, the vote shall be by ballot; and in all elections in the General Assembly, the vote shall be viva voce.

Sec. 2. Every white male person, and every civilized male Indian who has adopted the habits of the white man, of the age of twenty-one years and upward, who shall be at the time of offering to vote a citizen of the United States...

Legislature:

Sec. 1. The legislative power of this State shall be vested in the General Assembly, which shall consist of a Senate and House of Representatives.

Sec. 3. There shall be elected at the first election, twenty Senators and sixty Representatives, and the number afterward shall be regulated by law.

Sec. 4. No person shall be eligible to the office of Senator or Representative, who shall not possess the qualifications of an elector.

Office of the Governor:

Sec. 1. The Executive Department shall consist of a Governor, a Lieutenant Governor, Secretary of State, Treasurer, Auditor, and Attorney General, who shall be chosen by the electors of the State at the same time and place of voting for the members of the General Assembly.

Sec. 7. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses when assembled the purposes for which they were convened.

Sec. 9. He shall be Commander-in-Chief of the military in the State, except when they shall be called into the service of the United States.

Miscellaneous:

Section 1. The first General Assembly shall locate the permanent seat of government.

Sec. 2. Lotteries and the sale of lottery tickets for any purpose whatever shall forever be prohibited in the State.

Sec. 3. No person shall be elected or appointed to any office in this State unless they possess the qualifications of an elector.

Lecompton Constitution <http://www.kansasmemory.org/item/207409>

The Executive Department:

SEC. 3. The Governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, or from the time of the formation of this Constitution, and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall, at stated terms, receive for his services a compensation which shall be fixed by law, and shall not be increased or diminished during the term for which he shall be elected.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

The Legislative Department:

SEC. 3. No person who has been, or may hereafter be, convicted of a penitentiary offense, or of an embezzlement of the public funds, shall hold any office in this State; nor shall any person holding public money, for disbursement or otherwise, have a seat in the Legislature until he shall have accounted for and paid such money into the treasury.

Slavery:

SECTION 1. The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever.

SEC. 2. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of the owners, or without paying the owners previous to their emancipation a full equivalent in money for the slaves so emancipated. They shall have no power to prevent immigrants to the State from bringing with them such persons as are deemed slaves by the laws of any one of the United States or Territories, so long as any person of the same age or description shall be continued in slavery by the laws of this State: Provided, That such person or slave be the bona fide property of such immigrants: And provided, also, That laws may be passed to prohibit the introduction into this State of slaves who have committed high crimes in other States or Territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have power to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb, and, in case of their neglect or refusal to comply with the direction of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

SEC. 3. In the prosecution of slaves for crimes of higher grade than petit larceny, the Legislature shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 4. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offense had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.

Revenue:

SEC. 5. The Legislature shall provide for a capitation or poll tax, to be paid by every able-bodied male citizen over twenty-one years and under sixty years of age, but nothing herein contained shall prevent the exemption of taxable polls in cases of bodily infirmity.

SEC. 6. The Legislature shall levy a tax on all railroad incomes proceeding from gifts of public lands, at the rate of ten cents on the one hundred dollars.

SEC. 7. No lotteries shall be authorized by law as a source of revenue.

Miscellaneous:

SEC. 3. The laws, public records, and the written, judicial, and legislative proceedings of the State, shall be conducted, promulgated, and preserved in the English language.

SEC. 4. Aliens who are, or may hereafter become, bona fide residents of this State shall enjoy the same rights, in respect to the possession, inheritance, and enjoyment of property, as native-born citizens.

SEC. 6. All property, both real and personal, of the wife, owned or claimed by marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

Bill of Rights:

1. That all freemen, when they form a social compact, are equal in rights, and that no man or set of men are entitled to exclusive separate public emoluments or privileges, but in consideration of public services.

2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and therefore they have at all times an inalienable and indefeasible right to alter, reform, or abolish their form of government in such manner as they may think proper.

3. That all persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience, and no person can of right be compelled to attend, erect, or support any place of worship, or maintain any ministry, against his consent. That no human authority can in any case whatever interfere with the rights of conscience, and that no preference shall ever be given to any religious establishment or mode of worship.

4. That the civil rights, privileges, or capacities of a citizen shall in no wise be diminished or enlarged on account of his religion.

Questions

1. In the Topeka Constitution, under what condition could “involuntary servitude” still exist? (*Bill of Rights Sec 6*) Note: This language will reappear in the 13th Amendment to the US Constitution.
2. In the Topeka Constitution, who was allowed to vote? (*Voting Rights Sec 2*)
3. How did the Lecompton Constitution protect slaves? (*Slavery Sec. 2 and 3*)
4. In both constitutions, to whom is “all political power inherent,” (*Bill of Rights Sec 2*) and how are these sections similar to both the Declaration of Independence and the Declaration of Sentiments?
5. What does the Topeka Constitution say about state lotteries? (*Misc. Sec 2*)
6. In the Lecompton Constitution, what are the qualifications to be Governor? (*Executive Sec 3*)
7. In what ways does the Lecompton Constitution protect women's property rights? (*Misc. Sec 6*)