THE

CONSTITUTIONS

OF THE

UNITED STATES OF AMERICA,

WITH THEIR LATEST AMENDMENTS.

CAREFULLY CORRECTED.

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BALTIMORE:

FROM THE FRANKLIN PRESS, BY H. NILES.

1815.

DECLARATION

OF

INDEPENDENCE.

A Declaration by the Representatives of the United States of America, in Congress assembled, July 4, 1776.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with one another, and to assume among the powers of the earth, the separate and equal station, to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident—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, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over the states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation, till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies, at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeated[illegible] for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large, for their exercise; the state remaining, in the mean time, exposed to all the danger of invasion from without, and convulsions within.

He has endeavored to prevent the population of those states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws, for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harrass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others, to subject us to a jurisdiction, foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas, to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries, to complete the works of death, desolation and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked, by every act, which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts made by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind—enemies in war—in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world, for the rectitude of our intentions, Do, in the name, and by the authority, of the good people of these colonies, solemnly publish and declare, that these United Colonies are, and, of right, ought to be, free and independent states;—that they are absolved from all allegiance to the British crown, and that all political connection, between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which independent states may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

Signed by order and in behalf of the congress.

JOHN HANCOCK, *President.*

Attest—CHARLES THOMPSON, *Secretary.*

THE DECLARATION WAS ALSO SIGNED:

New-Hampshire.
Josiah Bartlett
William Whipple
Matthew Thornton

Massachusetts Bay.
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode-Island, &c.
Stephen Hopkins
William Ellery

Connecticut.
Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

New-York.
William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New-Jersey.
Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

Pennsylvania.
Robert Morris
Benjamin Rush
Benjamin Franklin
John Moreton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

Delaware.
Cæsar Rodney
George Read

Maryland.
Samuel Chase
William Paca
Thomas Stone
Chas. Carroll, of Carrollton

Virginia.
George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, jun.
Francis Lightfoot Lee
Carter Braxton

North Carolina.
William Hooper
Joseph Hewes
John Peen

South Carolina.
Edward Rutledge
Thomas Heyward, jun.
Thomas Lynch, jun.
Arthur Middleton

Georgia.
Button Gwinnett
Lyman Hall
George Walton

CONSTITUTION

OF THE

UNITED STATES.

The constitution framed for the United States of America, by a convention of deputies from the states of New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, at a session begun May 25, and ended Sept. 17, 1787.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.—SECTION I.

All the legislative powers herein granted, shall be vested in a congress of the United States which shall consist of a senate and house of representatives.

SECTION II.

I. The house of representatives shall consist of members chosen every second year, by the people of the several states: and the electors in each state, shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

II. No person shall be a representative, who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States; and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

III. Representatives and direct taxes, shall be apportioned among the several states, which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States; and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand: but each state shall have at least one representative: and, until such enumeration shall be made, the state of New-Hampshire shall be entitled to choose three; Massachusetts eight; Rhode-Island and Providence plantations one; Connecticut five; New-York six; New-Jersey four; Pennsylvania eight; Delaware one; Ma-

ryland six; Virginia ten; North-Carolina five; South-Carolina five; and Georgia three.

IV. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

V. The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION III.

I. The senate of the United States shall be composed of two senators from each state, chosen by the legislatures thereof, for six years; and each senator shall have one vote.

II. Immediately after they shall be assembled, in consequence of the first election they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one third may be chosen every second year. And if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

III. No person shall be a senator, unless he shall have attained to the age of thirty years, and been nine years a citizen of the United States; and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

IV. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

V. The senate shall choose their other officers, and also a president pro tempore in the absence of the vice-president, or when he shall exercise the office of president of the United States.

VI. The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: and no person shall be convicted, without the concurrence of two-thirds of the members present.

VII. Judgment, in cases of impeachment, shall not extend further than the removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

I. The times, places, and manner, of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: but the congress may, at any time, by law make or alter such regulations, except as to the places of choosing senators.

II. The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

I. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business: but a smaller number may

adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

II. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and with the concurrence of two thirds, expel a member.

III. Each house shall keep a journal of its proceedings, and from time to time, publish the same, excepting such parts as may in their judgment require secrecy: and the yeas and nays, of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

IV. Neither house during the session of congress, 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.

SECTION VI.

I. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest, during their attendance at the session of their respective houses, and in going to, and returning from the same: for any speech or debate in either house, they shall not be questioned in any other place.

II. No senator or representative shall, during the time for which he was elected, be appointed to any civil office, under the authority of the United States, which shall have been created, or the emoluments of which shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either house, during his continuance in office.

SECTION VII.

I. All bills, for raising revenue, shall originate in the house of representatives: but the senate shall propose or concur with amendments, as on other bills.

II. Every bill, which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be re-considered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days. Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

III. Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except

on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The congress shall have power—

I. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States: but all duties, imposts, and excises, shall be uniform throughout the United States.

II. To borrow money on the credit of the United States.

III. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

IV. To establish a uniform rule of naturalization: and uniform laws on the subject of bankruptcies, throughout the United States.

V. To coin money; to regulate the value thereof, and of foreign coin; and fix the standard of weights and measures.

VI. To provide for the punishment of counterfeiting the securities and current coin of the United States.

VII. To establish post-offices and post roads.

VIII. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

IX. To constitute tribunals inferior to the supreme court.

X. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

XI. To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water.

XII. To raise and support armies. But no appropriation of money for that use, shall be for a longer term than two years.

XIII. To provide and maintain a navy.

XIV. To make rules for the government and regulation of the land and naval forces.

XV. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions.

XVI. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

XVII. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

XVIII. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or any department or officer thereof.

SECTION IX.

I. The migration of or importation of such persons, as any of the states now existing shall think proper to admit, shall not be prohibited by the congress, prior to the year one thousand eight hundred and eight; but a tax may be imposed upon such importation, not exceeding ten dollars for each person.

II. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.

III. No bill of attainder or ex post facto law shall be passed.

IV. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

V. No tax or duties shall be laid on articles exported from any state. No preference shall be given, by any regulation of commerce or revenue, to the ports of one state, over those of another: nor shall vessels, bound to or from one state, be obliged to enter, clear, or pay duties in another.

VI. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

VII. No title of nobility shall be granted by the United States: and no person, holding any office of profit or trust under them, shall, without the consent of congress, accept of any present, emolument, office or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X.

I. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal: coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

II. No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of congress. No state shall, without the consent of congress, lay any duty on tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION I.

I. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows.

II. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives, to which the state may be entitled in the congress. But no senator or representative, or per-

son holding any office of trust or profit under the United States, shall be appointed an elector.

III. The electors shall meet in their respective states, and vote by ballot for two persons, one of whom at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number of votes be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president: and if no person have a majority, then, from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states; and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors, shall be the vice-president But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

IV. The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

V. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

VI. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers, and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal, death, or inability both of the president and vice-president, declaring what officer shall then act as president: and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

VII. The president shall, at stated times, receive for his services, a compensation which shall neither be increased nor diminished during the period for which he shall have been elected: and he shall not receive, within that period, any other emolument from the United States, or any of them.

VIII. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect, and defend the constitution of the United States."

SECTION II.

I. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States. He may require the opinion in writing of the principal officers in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons, for offences against the United States, except in cases of impeachment.

II. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers, and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper in the president alone, in the courts of law, or in the heads of departments.

III. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III.

He shall from time to time give to the congress information of the state of the Union; and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both houses or either of them; and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE II.—SECTION I.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts, as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION II.

I. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction: to controversies to which the United States shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens

of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

II. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

III. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crime shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION III.

I. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

II. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION I.

Full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SECTION II.

I. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

II. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

III. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

I. New states may be admitted by the congress into this union, but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, without the consent of the legislatures of the states concerned as well as of the congress.

II. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION IV.

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, when the legislature cannot be convened, against domestic violence.

ARTICLE V.

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress: Provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI.

I. All debts contracted, and engagements entered into before the adoption of the constitution, shall be as valid against the United States under this constitution, as under the confederation.

II. This constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

III. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution, between the states so ratifying the same.

Done in convention, by the unanimous consent of the states present, the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON, President,
and delegate from Virginia.

New-Hampshire.
John Langdon,
Nicholas Gilman.
Massachusetts.
Nathaniel Gorham,
Rufus King.
Connecticut.
William Samuel Johnson,
Roger Sherman.
New-York.
Alexander Hamilton.
New-Jersey.
William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.
Pennsylvania.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governeur Morris.

Delaware.
George Reed,
Gunning Bedford, jun.
John Dickinson,
Richard Basset,
Jacob Broom.
Maryland.
James M'Henry,
Daniel of St. Thomas Jenifer,
Daniel Carroll.
Virginia.
John Blair,
James Madison, jun.
North-Carolina.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.
South-Carolina.
John Rutledge,
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.
Georgia.
William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, Secretary.

AMENDMENTS.

The following articles in addition to, and amendment of, the constitution of the United States, having been ratified by the legislatures of nine states, are equally obligatory with the constitution itself.

I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

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

IV. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, excepting cases arising in the land or naval forces or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

VIII. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted.

IX. The enumeration, in the constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

XII. The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted: the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March

next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice-president, shall be vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the U. States.

CONSTITUTION

OF

NEW-HAMPSHIRE.

The constitution of New-Hampshire, as altered and amended by a convention of delegates held at Concord, in said state, by adjournment, on the second Wednesday of February, 1792.

PART I.—BILL OF RIGHTS.

Article I. All men are born equally free and independent: Therefore, all government, of right, originates from the people, is founded in consent, and instituted for the general good.

II. All men have certain natural, essential, and inherent rights—among which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness.

III. When men enter into a state of society, they surrender up some of their natural rights to that society, in order to ensure the protection of others; and without such an equivalent the surrender is void.

IV. Among the natural rights, some are in their very nature, unalienable, because no equivalent can be given or received for them. Of this kind are the *rights of conscience.*

V. Every individual has a natural and unalienable right to worship GOD according to the dictates of his own conscience and reason; and no person shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner most agreeable to the dictates of his own conscience, or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace, or disturb others in their religious worship.

VI. As morality and piety, rightly grounded on evangelical principles, will give the best and greatest security to government, and will lay, in the hearts of men, the strongest obligations to due subjection; and as the knowledge of these is most likely to be propagated through a society, by the institution of the public worship of the Deity, and of public instruction in morality and religion; therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower the legislature, to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies, within this state, to make adequate provision, at their own expense, for the support and maintenance of public protestant teachers of piety, religion and morality:

Provided notwithstanding, That the several towns, parishes, bodies corporate, or religious societies, shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person, of any one particular religious sect or denomination, shall ever be compelled to pay towards the support of the teacher or teachers of another persuasion, sect or denomination.

But this shall not be construed to free a person from the obligations of his own contract, on his pretence of changing his religious persuasion after making the contract.

And whenever a minister is settled by any incorporated town or parish, any person dissenting, shall have liberty, either at the meeting, or previous to the ordination of the minister, or within one month after the vote obtained for his settlement, to enter his dissent with the town or parish clerk, against paying, or contributing towards the support of the said minister, and all minors who, after such settlement, shall come of age, and all inhabitants of such town or parish who are absent from the same at the time of such meeting or settlement, and all persons who, after such settlement, move into such town or parish to reside, shall have three months from the time of their coming of full age, returning into town, or moving into, reside as aforesaid, respectively, to enter their dissent, with the town or parish clerk, as aforesaid.

And all persons who do not enter their dissent, as aforesaid, shall be bound by the major vote of such town or parish, and it shall be considered as their voluntary contract; but all persons who enter their dissent, as aforesaid, shall not be bound by the vote of such town or parish, or considered a party to such contract, or in any way be compelled to contribute towards the support of the minister; nor shall any person be compelled to contribute towards the support of the minister, who shall change from the sect or denomination of which he professed to be when he settled, to any other persuasion, sect or denomination.

And every denomination of christians, demeaning themselves quietly, and as good citizens of the state, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another, shall ever be established by law.

And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain, and be in the same state as if this constitution had not been made.

VII. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

VIII. All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.

IX. No office or place whatsoever, in government, shall be hereditary—the abilities and integrity requisite in all, not being transmissible to posterity or relations.

X. Government being instituted for the common benefit, protection and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men: therefore, whenever the ends of government are perverted, or public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old, or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

XI. All elections ought to be free, and every inhabitant of the state, having the proper qualifications has an equal right to elect, and be elected, into office.

XII. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property; he is therefore bound to contribute his share to the expence of such protection, and to yield his personal service when necessary, or an equivalent. But no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. Nor are the inhabitants of this state controlable by any other laws than those to which they, or their representative body have given their consent.

XIII. No person who is conscientiously scrupulous about the lawfulness of bearing arms, shall be compelled thereto, provided he will pay an equivalent.

XIV. Every citizen of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without denial; promptly, and without delay, conformable to the laws.

XV. No person shall be held to answer for any crime, or offence, until the same is fully and plainly, substantially and formally, described to him: nor be compelled to accuse or furnish evidence against himself. And every person shall have a right to produce all proofs that may be favorable to himself; to meet the witnesses against him, face to face; and to be fully heard in his defence by himself, and counsel. And no person shall be arrested, imprisoned, despoiled, or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgement of his peers, or the law of the land.

XVI. No person shall be liable to be tried after an acquittal, for the same crime or offence. Nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

XVII. In criminal prosecutions the trial of facts, in the vicinity where they happen, is so essential to the security of the life, liber-

ty and estate of the citizens, that no crime or offence ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior courts that an impartial trial cannot be had in the county where the offence may be committed, and upon their report the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

XVIII. All penalties ought to be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. Where the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reason, a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate, mankind.

XIX. Every person hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places, or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in a warrant of a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued, but in cases and with the formalities prescribed by law.

XX. In all controversies concerning property, and in all suits between two or more persons, except in cases wherein it hath been heretofore otherwise used and practised, the parties have a right to a trial by jury; and this right shall be deemed sacred and inviolable; but the legislature may, by the constitution, be empowered to make such regulations as will prevent parties from having as many trials by jury, in the same suit or action, as hath been heretofore allowed and practised, and to extend the civil jurisdiction of justices of the peace to the trials of suits where the sum demanded in damages doth not exceed four pounds, saving the right of appeal to either party. But no such regulations shall take away the right of trial by jury, in any case not in this article before excepted, unless in cases respecting mariners' wages.

XXI. In order to reap the fullest advantage of the inestimable privilege of the trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time and attendance.

XXII. The *liberty of the press* is essential to the security of freedom in a state: It ought, therefore, to be inviolably preserved.

XXIII. Retrospective laws are highly injurious, oppressive and unjust. No such laws, therefore should be made, either for the decision of civil causes, or the punishment of offences.

XXIV. A well regulated militia is the proper, natural, and sure defence of a state.

XXV. Standing armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the legislature.

XXVI. In all cases, and at all times, the military ought to be under strict subordination to, and governed by the civil power.

XXVII. No soldier, in time of peace, shall be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority, derived from that body.

XXIX. The power of suspending the laws, or the execution of them, ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXX. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

XXXI. The legislature shall assemble for the redress of public grievances, and for making such laws as the public good may require.

XXXII. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the public good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

XXXIII. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXXIV. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the army, or navy, and except the militia in actual service, but by authority of the legislature.

XXXV. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.

XXXVI. Economy being a most essential virtue, in all states, especially in a young one, no pension shall be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

XXXVII. In the government of this state, the three essential powers thereof, to wit, the legislative, executive and judicial,

ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connexion that binds the whole fabric of the constitution in one indissoluble bond of unity and amity.

XXXVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives: And they have a right to require of their law-givers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of the government.

PART II.—FORM OF GOVERNMENT.

THE people inhabiting the territory formerly called the province of New-Hampshire, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body politic, or state, by the name of the *State of New-Hampshire*.

GENERAL COURT.

THE supreme legislative power, within this state, shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

The Senate and House shall assemble every year on the last Wednesday of October, and at such other times as they may judge necessary; and shall dissolve, and be dissolved, seven days next preceding the said last Wednesday of October; and shall be styled, *The General Court of New-Hampshire*.

The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be holden in the name of the state for the hearing, trying and determining, all manner of crimes, offences, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting or residing, or brought within the same, whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal or mixed;—and for awarding and issuing execution thereon. To which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

And farther, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome and reasonable orders, laws statutes, ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the citizens of the same, for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling all civil officers within

this state; such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of this state, and the protection and preservation of the citizens thereof, according to such acts as are, or shall be, in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has been heretofore practised; in order that such assessments may be made with equality, there shall be a valuation of the estates within the state, taken anew once in every five years at least, and as much oftener as the general court shall order.

No member of the general court shall take fees, be of counsel or act as advocate, in any cause before either branch of the legislature; and upon due proof thereof, such member shall forfeit his seat in the legislature.

The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.

SENATE.

THE Senate shall consist of thirteen members, who shall hold their offices for one year, from the last Wednesday of October next ensuing their election.

And that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into thirteen districts, as nearly equal as may be without dividing towns and unincorporated places; and in making this division, they shall govern themselves by the proportion of public taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

The freeholders and other inhabitants of each district, qualified as in this constitution is provided, shall annually give in their votes for a senator, at some meeting holden in the month of March.

The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz: Every male inhabitant of each town, and parish with town privileges and places unincorporated, in this state, of twenty-one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senators in the county or district whereof he is a member.

Provided nevertheless, That no person shall be capable of being elected a senator, who is not seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this state, who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation, where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places for that purpose shall be holden annually in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town-clerks have in their several towns by this constitution.

The meetings for the choice of governor, council and senators, shall be warned by warrant, from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town-clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: and the town-clerk shall make a fair record of the same at large, in the town-book, and shall make out a fair attested copy thereof, to be by him sealed up, and directed to the secretary of the state, with a superscription expressing the purport thereof: and the said town-clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall be, forty days at least before the last Wednesday of October; or to the secretary of the state at least thirty days before the said last Wednesday of October: and the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the secretary's office, at least thirty days before the last Wednesday of October.

And that there may be a due meeting of senators on the last Wednesday of October annually, the governor and a majority of the council, for the time being, shall, as soon as may be, examine the returned copies of such records, and fourteen days before the said last Wednesday of October, he shall issue his summons to such persons as appear to be chosen senators by a majority of votes, to attend and take their seats on that day.

Provided nevertheless, That for the first year the said returned copies shall be examined by the president, and a majority of the council then in office: And the said president shall, in like man-

ner, notify the persons elected, to attend and take their seats accordingly.

And in case there shall not appear to be a senator elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot the senator wanted for such district; and in this manner all such vacancies shall be filled up in every district of the state; and in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen.

The senate shall be final judges of the elections, returns, and qualifications of their own members, as pointed out in this constitution.

The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time.

Provided nevertheless, That whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day, or at such place.

The senate shall appoint their president and other officers, and determine their own rules of proceedings; and not less than seven members of the senate shall make a quorum for doing business; and when less than eight senators shall be present, the assent of five at least shall be necessary to render their acts and proceedings valid.

The senate shall be a court, with full power and authority to hear, try, and determine all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, mal-practice or mal-administration in office;——with full power to issue summons, or compulsory process, for convening witnesses before them, with all necessary powers incident to a court of trials; but previous to the trial of any such impeachment, the members of the senate shall be respectively sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer impeached for bribery, corruption, mal-practice, or mal-administration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon, wish such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in hearing of the impeachment, giving the person impeached if he shall appear, full liberty of producing witnesses and proofs, and of making his defence, by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial. Their judgment, however shall not extend further than removal

from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this state; but the party so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

HOUSE OF REPRESENTATIVES.

There shall be, in the legislature of this state, a representation of the people annually elected, and founded upon principles of equality: and in order that such representation may be as equal as circumstances will admit, every town, parish or place entitled to town privileges, having one hundred and fifty rateable male polls, of twenty-one years of age and upwards, may elect one representative: if four hundred and fifty rateable male polls, may elect two representatives; and so proceeding in that proportion, make three hundred such rateable polls the mean of increasing number for every additional representative.

Such towns, parishes or places as have less than one hundred and fifty rateable polls, shall be classed by the general assembly, for the purpose of choosing a representative, and seasonably notified thereof. And in every class formed for the abovementioned purpose, the first annual meeting shall be held in the town, parish or place wherein most of the rateable polls reside; and afterwards in that which has the next highest number; and so on annually, by rotation, through the several towns, parishes or places, forming the district.

Whenever any town, parish or place, entitled to town privileges as aforesaid, shall not have one hundred and fifty rateable polls, and be so situated as to render the classing thereof with any other town, parish or place, very inconvenient, the general assembly may, upon application of a majority of the voters of such town, parish or place, issue a writ for their selecting and sending a representative to the general court.

The members of the house of representatives shall be chosen annually, in the month of March, and shall be the second branch of the legislature.

All persons qualified to vote in the election of senators shall be entitled to vote within the district where they dwell, in the choice of representatives. Every member of the house of representatives shall be chosen by ballot; and for two years at least, next preceding his election, shall have been an inhabitant of this state; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent, and shall cease to represent such district immediately on his ceasing to be qualified as aforesaid.

The members of both houses of the legislature shall be compensated for their services out of the treasury of the state, by a law made for that purpose; such members attending seasonably, and not departing without licence. All intermediate vacancies, in the house of representatives, may be filled up from time to time, in the same manner as annual elections are made.

The house of representatives shall be the grand inquest of the state; and all impeachments made by them, shall be heard and tried by the senate.

All money-bills shall originate in the house of representatives; but the senate may propose, or concur with amendments, as on other bills.

The house of representatives shall have the power to adjourn themselves, but no longer than two days at a time.

A majority of the members of the house of representatives shall be a quorum for doing business: but when less than two-thirds of the house of representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

No member of the house of representatives or senate shall be arrested or held to bail, on mean process, during his going to, return from, or attendance upon the court.

The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house; and shall be judge of the return, elections and qualifications of its members, as pointed out in this constitution. They shall have authority to punish, by imprisonment, every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill treating any of its members; or by obstructing its deliberations; every person guilty of a breach of its privileges, in making arrests for debt, or by assaulting any member during his attendance at any session; in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance on the house, or in rescuing any person arrested by order of the house, knowing them to be such. The senate, governor and council shall have the same powers in like cases: provided that no imprisonment by either for any offence exceed ten days.

The journals of the proceedings, and all the public acts of both houses of the legislature, shall be printed and published immediately after every adjournment or prorogation; and upon motion made by any one member, the yeas and nays upon any question shall be entered in the journals: and any member of the senate or house of representatives shall have a right on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journals.

EXECUTIVE POWER.—GOVERNOR.

The governor shall be chosen annually, in the month of March; and the votes for governor shall be received, counted, certified, and returned in the same manner as the votes for senators; and the secretary shall lay the same before the senate and house of representatives on the last Wednesday of October, to be by them examined; and in case of an election by a majority of votes through the state, the choice shall be by them declared and published.

And the qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a majority of votes, the senate and house of representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared governor.

And no person shall be eligible to this office unless at the time of his election he shall have been an inhabitant of this state for seven years next preceding, and unless he shall be of the age of thirty years, and unless he shall, at the same time, have an estate of the value of five hundred pounds, one-half of which shall consist of a free-hold in his own right, within this state.

In cases of disagreement between the two houses, with regard to the time or place of adjournment or prorogation, the governor with advice of council, shall have a right to adjourn or prorogue the general court, not exceeding seven months at any one time, as he may determine the public good may require, to meet at the place where the general court shall be at that time sitting; and he shall dissolve the same seven days before the said last Wednesday in October.

And, in case of any infectious distemper prevailing in the place, where the said court at any time is to convene, or any other cause whereby dangers may arise to the health or lives of the members from their attendance, the governor may direct the session to be holden at some other, the most convenient place within the state.

Every bill which shall have passed both houses of the general court shall, before it become a law, be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it; if, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with such objections, to the other house, by which it shall likewise be re-considered, and if approved by two-thirds of that house, shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return; in which case it shall not be a law.

Every resolve shall be presented to the governor, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

All judicial officers, the attorney general, solicitors, all sheriffs, coroners, registers of probate, and all officers of the navy, and general and field officers of the militia, shall be nominated and appointed by the governor and council: and every such nomination shall be made at least three days prior to such appointment, and no appointment shall take place unless a majority of the council agree thereto. The governor and council shall have a negative on each other, both in the nominations and appointments. Every nomination and appointment shall be signed by the governor and council, and every negative shall be also signed by the governor or councellor who made the same.

The captains and subalterns in the respective regiments, shall be nominated by the field officers, and if approved by the governor, shall be appointed by him.

Whenever the chair of the governor shall become vacant, by reason of his death, absence from the state or otherwise, the president of the senate, shall, during such vacancy, have and exercise all the powers and authorities which, by this constitution, the governor is vested with, when personally present; but when the president of the senate shall exercise the office of governor he shall not hold his office in the senate.

The governor, with the advice of council, shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding seven months, in any one recess of said court; and during the session of said court, to adjourn or prorogue it to any time the two houses may desire, and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the state should require the same.

The governor of this state for the time being, shall be commander in chief of the army and navy, and all the military forces of this state, by sea and land; and shall have full power by himself or by any chief commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy, and for the special defence and safety of this state, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them encounter, repulse, repel, resist, and pursue, by force of arms, as well by sea as by land, within and without the limits of this state; and also to kill, slay, destroy, if necessary, and conquer by all fitting ways, enterprize and means, all and every such person and persons as shall at any time hereafter in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this state; and to use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require. And surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms ammunition and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying this state: And in fine, the governor is hereby entrusted with all other powers incident to the office of captain-general and commander in chief, and admiral, to be exercised, agreeably to the rules and regulations of the constitution, and the laws of the land: Provided, that the governor shall not at any time hereafter by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this state, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court, nor grant commissions for exercising the law martial, in any case, without the advice and consent of the council.

The power of pardoning offences, except such as persons may be convicted of before the senate, by impeachment of the house, shall be in the governor, by and with the advice of the council:—but no charter of pardon granted by the governor, with advice of council, before conviction, shall avail the party pleading the same,

notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

No officer duly commissioned to command in the militia shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the state for the time being.

The commanding officers of the regiments shall appoint their adjutants and quarter-masters; the brigadiers, their brigade majors; the major generals, their aids; the captains and subalterns, their non-commissioned officers.

The governor and council shall appoint all officers, of the continental army, whom by the confederation of the United States, it is provided that this state shall appoint; as also all officers of forts and garrisons.

The division of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper division of the militia of this state, until the same shall be altered by some future law.

No monies shall be issued out of the treasury of this state, and disposed of, except such sums as may be appropriated for the redemption of bills of credit, or treasurer's notes, or for the payment of interest arising thereon, by warrant under the hand of the governor for the time being, by and with the advice and consent of the council, for the necessary support and defence of this state, and for the necessary protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this state, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon, with their appendages and small arms, with their accoutrements, and of all other public property under their care respectively; distinguishing the quantity and kind of each, as particularly as may be; together with the condition of such forts and garrisons: and the commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors adjacent.

The governor and council shall be compensated for their services from time to time, by such grants as the general court shall think reasonable.

Permanent and honorable salaries shall be established by law, for the justices of the supreme court.

COUNCIL.

There shall be annually elected, by ballot, five counsellors, for advising the governor in the executive part of the government.—The freeholders and other inhabitants in each county, qualified to vote for senators, shall, sometime in the month of March, give in their votes for one counsellor; which votes shall be received, sorted, counted, certified, and returned to the secretary's office, in the same manner as the votes for senators, to be by the secretary laid

before the senate and of house representatives on the last Wednesday in October.

And the person having a majority of votes in any county shall be considered as duly elected a counsellor; but if no person shall have a majority of votes in any county, the senate and house of representatives shall take the names of the two persons who have the highest number of votes in each county, and not elected, and out of those two shall elect, by joint ballot, the counsellor wanted for such county.

Provided nevertheless, That no person shall be capable of being elected a counsellor who has not an estate of the value of five hundred pounds within this state, three hundred pounds of which (or more) shall be a freehold in his own right, and who is not thirty years of age; and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and at the time of his election, an inhabitant of the county in which he is elected.

The secretary shall, annually, seventeen days before the last Wednesday in October, give notice of the choice of persons elected.

If any person shall be elected governor or member of either branch of the legislature, and shall not accept the trust; or if any person elected a counsellor shall refuse to accept the office; or in case of the death, resignation, or removal of any counsellor out of the state, the governor may issue a precept for the election of a new counsellor in that county where such vacancy shall happen: and the choice shall be in the same manner as before directed: and the governor shall have full power and authority to convene the council from time to time, at his discretion: and with them, or the majority of them may, and shall, from time to time, hold a council, for ordering and directing the affairs of the state, according to the laws of the land.

The members of the council may be impeached by the house, and tried by the senate, for bribery, corruption, mal-practice or mal-administration.

The resolutions and advice of the council shall be recorded by the secretary in a register, and signed by all the members present, agreeing thereto; and this record may be called for at any time by either house of the legislature; and any member of the council may enter his opinion contrary to the resolutions of the majority, with the reasons for such opinion.

The legislature may, if the public good shall hereafter require it, divide the state into five districts, as nearly equal as may be, governing themselves by the number of rateable polls, and proportion of public taxes; each district to elect a counsellor: and, in case of such division, the manner of the choice shall be conformable to the present mode of election in counties.

And whereas, the elections, appointed to be made by this constitution, on the last Wednesday of October, annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same may be completed; and the order of the elections shall be as follows: the vacancies in the senate, if any, shall be first filled up: the governor shall then be elected, provided there shall be no choice

of him by the people: and afterwards the two houses shall proceed to fill up the vacancy, if any, in the council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, &c.

The secretary, treasurer, and commissary-general, shall be chosen by joint ballot of the senators and representatives assembled in one room.

The records of the state shall be kept in the office of the secretary, and he shall attend the governor and council, the senate and representatives, in person, or by deputy, as they may require.

The secretary of the state shall, at all times, have a deputy, to be by him appointed; for whose conduct in office he shall be responsible. And in case of the death, removal or inability of the secretary, his deputy shall exercise all the duties of the office of secretary of this state, until another shall be appointed. The secretary, before he enters upon the business of his office, shall give bond, with sufficient sureties, in a reasonable sum, for the use of the state, for the punctual performance of his trust.

COUNTY TREASURER, &c.

The county treasurers and registers of deeds, shall be elected by the inhabitants of the several towns, in the several counties in the state, according to the method now practised, and the laws of the state.

Provided nevertheless, The legislature shall have authority to alter the manner of certifying the votes, and the mode of electing those officers; but not so as to deprive the people of the right they now have of electing them.

And the legislature, on the application of the major part of the inhabitants of any county, shall have authority to divide the same into two districts, for registering deeds, if to them it shall appear necessary; each district to elect a register of deeds: and before they enter upon the business of their office, shall be respectively sworn faithfully to discharge the duties thereof, and shall severally give bonds, with sufficient sureties, in a reasonable sum, for the use of the county, for the punctual performance of their respective trusts.

JUDICIARY POWER.

It shall be the duty of the general court to make a reform in the judiciary system, that justice may be administered in a more cheap and expeditious manner than is now practised, and that no party shall have a review after the cause has been determined against him twice by jury.

The general court is hereby empowered to make alterations in the power of jurisdiction of the courts of common pleas, and general sessions of the peace, respectively; or, if they shall judge it necessary for the public good, to abolish those courts, or either of them, and invest such other courts as they may establish, with the jurisdiction and powers now vested in the court of common pleas, and courts of general sessions of the peace, as the general court may, from time to time, judge expedient for the due administration of law and justice.

And it shall be the duty of the general court, to vest in such court or courts of law, as to them may appear expedient, the power of granting new trials, or a trial after judgment, either upon verdict

of a jury, default, non-suit, or complaint, for affirmation of judgment, in all cases where substantial justice has not been done, except as before excepted, in such manner and under such restrictions and regulations as to the general court may appear for the public good: provided application be made for such review or trial within one year from the rendition of judgment.

For the more effectual preserving the proper separation of the three great powers of government, agreeably to the 37th article in the bill of rights, the power of hearing and deciding in cases of equity, shall be vested either in some judicial court or courts, or in some court to be established specially for that purpose: provided no power shall be granted to any such courts, incompatible with the bill of rights and constitution. And the powers of said court shall be limited and defined by express laws: and no suit in equity shall be sustained where clear and adequate remedy may be had at law.

The general court are empowered to give to justices of the peace, jurisdiction in civil causes, when the damages demanded shall not exceed *four pounds*, and title of real estate is not concerned: but with right of appeal to either party, to some other court, so that a trial by jury in the last resort may be had.

No person shall hold the office of a judge in any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.

No judge of any court or justice of the peace, shall act as attorney, or be of counsel, to any party, or originate any civil suit, in matters which shall come or be brought before him as judge or justice of the peace.

All matters relating to the probate of wills, and granting letters of administration, shall be exercised by the judges of probate, in such manner as the legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days as the conveniency of the people may require, and the legislature from time to time appoint.

No judge, or register of probate, shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county, of which he is judge or register.

CLERKS OF COURT.

The judges of the courts (those of the probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerks shall act as an attorney or be of counsel in any cause in the court of which he is clerk, nor shall he draw any writ originating a civil action.

ENCOURAGEMENT OF LITERATURE, &c.

Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end: it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence; public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections, and generous sentiments among the people.

Oath and subscriptions; exclusion from offices; commissions; writs; confirmation of laws; habeas corpus; the enacting style; continuance of officers; provision for a future revision of the constitution, &c.

Any person chosen governor, counsellor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office make and subscribe the following declaration, viz:

I, A. B. do solemnly swear, that I will bear faith and true allegiance to the state of New-Hampshire, and will support the constitution thereof.—*So help me God.*

I, A. B. do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as ————, according to the best of my abilities, agreeably to the rules and regulations of this constitution, and the laws of the state of New-Hampshire.—*So help me God.*

Any person having taken and subscribed the oath of allegiance, and the same being filed in the secretary's office, he shall not be obliged to take said oath again.

Provided always, When any person, chosen or appointed as aforesaid, shall be of the denomination called Quakers, or shall be scrupulous of swearing, and shall decline taking the said oaths, such shall take and subscribe them, omitting the word *swear*, and likewise the words *so help me God*, subjoining instead thereof, *This I do under the pains and penalties of perjury.*

And the oaths or affirmations shall be taken and subscribed by the governor, before the president of the senate, in presence of both houses of the legislature, and by the senators and representatives first elected under this constitution, as altered and amended, before the president of the state, and a majority of the council then in office, and forever afterwards before the governor and council for the time being; and by all other officers, before such persons and in such manner as the legislature shall, from time to time, appoint.

All commissions shall be in the name of the state of New Hampshire, signed by the governor and attested by the secretary or his deputy, and shall have the great seal of the state affixed thereto.

All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New-Hampshire; shall be under the seal of the court whence they issue, and bear test of the chief, first, or senior justice of the court; but when such justice shall be interested, then the writ shall bear test of some other justice of the court, to which the same shall be returnable, and be signed by the clerk of such court.

All indictments, presentments, and informations, shall conclude, *against the peace and dignity of the state.*

The estate of such persons as may destroy their own lives, shall not for that offence be forfeited, but descend or ascend in the same

manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any-wise forfeited on account of such misfortune.

All the laws which have heretofore been adopted, used, and approved, in the province, colony, or state of New-Hampshire, and usually practised on in the courts of law, shall remain and be in full force until altered and repealed by the legislature: such parts thereof only excepted, as are repugnant to the rights and liberties contained in this constitution: Provided, that nothing herein contained, when compared with the 23d article in the bill of rights, shall be construed to affect the laws already made respecting the persons or estates, of absentees.

The privilege and benefit of the Habeas Corpus, shall be enjoyed in this state, in the most free, easy, cheap, expeditious and ample manner, and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a time not exceeding three months.

The enacting style in making and passing acts, statutes and laws, shall be—*Be it enacted by the senate and house of Representatives, in general court convened.*

No governor, or judge of the supreme judicial court, shall hold any office or place under the authority of this state, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justice of the peace throughout the state; nor shall they hold any place or office, or receive any pension or salary, from any other state, government, or power whatever.

No person shall be capable of exercising, at the same time, more than one of the following offices, within this state, viz. judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the governor, or governor and council, or senate and house of representatives, or superior or inferior courts, military offices, and offices of justices of the peace, excepted.

No person holding the office of judge of any court, (except special judges) secretary, treasurer of the state, attorney general, commissary-general, military officers receiving pay from the continent or this state, (excepting officers of the militia, occasionally called forth on an emergency) register of deeds, sheriff, or officers of the customs, including naval officers, collectors of excise, and state and continental taxes, hereafter appointed, and not having settled their accounts, with the respective officers with whom it is their duty to settle such accounts, members of congress, or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives, or council; but his being chosen or appointed to, and accepting the same, shall operate as a resignation of his seat in the chair, senate, or house of representatives, or council: and the places so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.

No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption, in obtaining an election or appointment.

In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at *six shillings and eight pence* per ounce.

To the end that there may be no failure of justice, or danger to the state by the alteration and amendments made in the constitution, the general court is hereby fully authorised and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.

It shall be the duty of the selectmen and assessors of the several towns, and places in this state, in warning the first annual meeting for the choice of senators, after the expiration of seven years from the adoption of this constitution, as amended, to assert expressly in the warrant, this purpose among the others for the meeting, to wit: to take the sense of the qualified voters on the subject of a revision of the constitution; and the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present, as to the necessity of a revision; and a return of the number of votes for and against such necessity, shall be made by the clerk, sealed up, and directed to the general court at their next session;——and if it shall appear to the general court, by such return, that the sense of the people of the state has been taken, and that, in the opinion of the majority of the qualified voters in the state, present, and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose, otherwise the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned. The delegates to be chosen in the same manner, and proportioned, as the representatives of the general court; provided, that no alterations shall be made in this constitution, before the same shall be laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters present and voting on the subject.

And the same method of taking the sense of the people, as to a revision of the constitution, and calling a convention for that purpose, shall be observed afterwards, at the expiration of every seven years.

This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the books containing the laws of this state, in all future editions thereof.

JOHN PICKERING, *President P. T.*

Attest, JOHN CALFE, *Secretary.*

CONSTITUTION OF MASSACHUSETTS.

A constitution or frame of government agreed upon by the delegates of the people of Massachusetts-Bay, in convention, begun and held at Cambridge, on the first of September 1779, *and continued by adjournment, to the second of March*, 1780:

PREAMBLE.

THE end of the institution, maintenance, and administration of government, is, to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the pow-

er of enjoying in safety, and tranquility, their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.—It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity: and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish, the following declaration of rights, and frame of government, as the constitution of the commonwealth of Massachusetts.

PART I.—A DECLARATION OF RIGHTS.

Of the Inhabitants of the Commonwealth of Massachusetts.

Art. I. All men are born free and equal, and have certain natural, essential, and unalienable rights: among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right, as well as the duty, of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained in his person, liberty or estate, for worshipping God in the manner and seasons most agreeable to the dictates of his own conscience; or for his religious profession or sentiments—provided he doth not disturb the public peace, or obstruct others in their religious worship.

III. As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through the community, but by the institution of a public worship of God, and of public institutions in piety, religion and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorise and require, and the legislature shall, from time to time, authorise and require the several towns, parishes, precincts and other bodies politic, or religious societies, to make suitable provision, at their own expence, for the institution of the public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases, where such provision shall not be made voluntarily.

All the people of the commonwealth have also a right to, and do, invest their legislature with authority, to enjoin upon all the

subjects, an attendance upon the instructions of the public teachers, as aforesaid, at stated times and seasons, if there be any one whose instructions they can conscientiously and conveniently attend:—

Provided, notwithstanding, that the several towns, parishes, precincts, and the other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them, for their support and maintenance.

All monies, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher, or teachers of his own religious sect or denomination, provided there be any, on whose instructions he attends, otherwise it may be paid towards the support of the teacher, or teachers, of the parish, or precinct, in which the said monies are raised.

And every denomination of christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any sect, or denomination to another, shall ever be established by law.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state: and do, and forever hereafter shall, exercise and enjoy, every power, jurisdiction and right, which is not, or may not, hereafter, be by them expressly delegated to the United States of America, in congress assembled.

All power residing originally in the people, and being derived from them, the several magistrates, and officers of government, vested with authority, whether legislative; executive or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, or corporation, or association of men distinct from those of the community, have any other title to obtain advantages, or particular and exclusive privileges, than what arises from the consideration of services rendered to the public. And this title being, in nature, neither hereditary, nor transmissible to children or descendants or relations of blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family or any one class of men. Therefore, the people alone have an incontestible, unalienable, and indefeasible right, to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

VIII. In order to prevent those, who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by the frame of government, to cause their public officers to return to private life: and to fill up vacant places, by certain and regular elections and appointments.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected for public employments.

X. Each individual of the society has a right to be protected by it, in the enjoyment of his life, liberty and property, according to the standing laws. He is obliged consequently, to contribute his share, to the expense of this protection; to give his personal service, or an equivalent when necessary.——But no part of the property of any individual can, with justice, be taken from him, or applied to the public use, without his own consent, or that of the representative body of the people of the people. In fine, the people of this commonwealth are not controllable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it—completely, and without any denial—promptly and without delay—conformably to the laws.

XII. No person shall be held to answer for any crime or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse or furnish evidence against himself. And every person shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him, face to face, and be fully heard in his defence, by himself or his counsel, at his election. And no person shall be arrested, imprisoned, or despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment (excepting for the government of the army and navy) without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

XIV. Every person has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order, in a warrant to a civil officer, to make search in all suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure. And no warrant ought to be issued, but in such cases, and with the formalities, prescribed by the laws.

XV. In all controversies concerning property, and in all suits between two or more persons, (except in cases, in which it has heretofore been otherwise used and practised) the parties have a right to a trial by a jury; and this method of procedure shall be held sacred; unless, in cases arising on the high seas, and such as relate to mariner's wages, the legislature shall hereafter find it necessary to alter it.

XVI. The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be, restrained in this commonwealth.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained, without the consent of the legislature; and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles in the choice of their officers and representatives; and they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of all laws, necessary for the good administration of the commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives: and to request of the legislative body, by the way of addresses, petitions or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised, but by the legislature; or by authority derived from it, to be exercised in such particular cases only, as the legislature shall expressly provide for.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever.

XXII. The legislature ought frequently to assemble, for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatever, without the consent of the people, or their representatives in the legislature.

XXIV. Laws, made to punish for actions, done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. No person ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

XXVI. No magistrate, or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house, without the consent of the owner; and in time of war, such quarters ought not to be made, but by the civil magistrate, in manner ordained by the legislature.

XXVIII. No person can, in any case, be subjected to law martial, or to any penalties or pains, by virtue of that law, (except those

employed in the army or navy, and except the militia in actual service) but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen, to be tried by judges as free, impartial and independent, as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries, ascertained and established by standing laws.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end, that it may be a government of laws, and not of men.

PART II.—FRAME OF GOVERNMENT.

The people inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign and independent body-politic, or state, by the name of, *The commonwealth of Massachusetts.*

CHAP. I.—THE LEGISLATIVE POWER.

Sec. I.—The General Court.

Art. I. The department of legislation shall be formed by two branches, a senate and house of representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday of May, and at such other times as they shall judge necessary; and shall dissolve, and be dissolved, on the day next preceding the said last Wednesday in May; and shall be styled, *The General Court of Massachusetts.*

II. No bill or resolve of the senate or house of representatives, shall become a law, and have force as such, until it shall have been laid before the governor for his revisal: and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to re-consider the said bill or resolve: But if after such re-consideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be re-considered; and if approved by two-thirds of the members present, it shall have the force of a law: But in all such cases the votes of both houses shall be determined by yeas and nays: and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days, after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories, and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying and determining, of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes, and things whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting or residing, or brought, within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories, are hereby given and granted, full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without (so as the same be not repugnant or contrary to this constitution) as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the citizens of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers, within the said commonwealth, the election and constitution of whom are not hereafter, in this form of government, otherwise provided for; and to set forth the several duties, powers and limits of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution: and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy, reasonable duties and excises upon any produce, goods, wares, merchandises and commodities whatsoever, brought into, produced, manufactured, or being within the same, to be issued and disposed of by warrant under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the citizens thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates in the manner that has hitherto been practised; in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth taken anew once in every ten years, at the least, and as much oftener as the general court shall order.

CHAP. I. SECT. II.—*Senate.*

Art. I. There shall be annually elected by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be counsellors and senators for the year ensuing their election: to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court, for that purpose. And the general court, in assigning the numbers to be elected by the representative districts, shall govern themselves by the proportion of the public taxes paid by the said districts: and timely make known to the inhabitants of the commonwealth, the limits of each district, and the number of counsellors and senators to be chosen therein: provided, that the number of such districts shall be never less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for choice of counsellors and senators (except that the counties of Dukes county and Nantucket, shall form one district for that purpose) and shall elect the following number for counsellors and senators, viz: Suffolk six, Essex six, Middlesex five, Hampshire four, Plymouth three, Barnstable one, Bristol three, York two, Dukes county and Nantucket one, Worcester five, Cumberland one, Lincoln one, Berkshire two.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. There shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and counsellors. And at such meetings, every male inhabitant, of twenty-one years of age and upwards, having a freehold estate within the commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators, for the district of which he is an inhabitant. And to remove all doubts concerning the word "inhabitant" in this constitution, every person shall be considered as an inhabitant (for the purpose of electing and being elected into any office or place within this state) in that town, district, or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators; and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purports of the contents thereof, and delivered, by the town clerk of such town, to the sheriff of the county, in which such town lies, thirty days at least before the last Wednesday in May annually; or it shall be delivered into the secretary's office, seventeen days, at least, before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated (qualified as this constitution provides) who are or shall be empowered and required to assess taxes upon themselves, toward the support of government, shall have the same privilege of voting for counsellors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings, for that purpose, shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the assessors thereof shall direct; which assessors shall have like authority, for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution, and all other persons, living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for counsellors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town, where they shall be assessed, for that purpose accordingly.

III. And that there may be a due convention of senators on the last Wednesday in May annually, the governor, and five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons, as shall appear to be chosen by the majority of votes, to attend on that day, and take their seats accordingly; provided nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government: and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare, who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect, by ballot, a number of senators, sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled in every district of the commonwealth: and in like manner, all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.

V. Provided nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right, of a

freehold within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum; and who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election; and at the time of his election he shall be an inhabitant in the district, for which he shall be chosen:

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority, to hear and determine all impeachments, made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their officers. But previous to the trial of every impeachment, the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further, than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this commonwealth: but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate, shall constitute a quorum for doing business.

CHAP. I.—SECT. III.—*House of Representatives.*

Art. I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II. And in order to provide for a representation of the citizens of this commonwealth, founded on the principles of equality, every corporate town, containing one hundred and fifty rateable polls, may elect one representative:—every corporate town, containing three hundred and seventy-five rateable polls, may elect two representatives: every corporate town, containing six hundred rateable polls, may elect three representatives;—and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number, for every additional representative:

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one representative. But no place shall hereafter be incorporated with the privilege of electing a representative, unless there are, within the same, one hundred and fifty rateable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

The expences of travelling to the general assembly, and returning home, once in every session and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

III. Every member of the house of representatives shall be chosen by written votes; and for one year at least, next preceding his election, shall have been an inhabitant of, and have been seized, in his own right, of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any rateable estate, to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

IV. Every male person, (being twenty-one years of age, and resident of any particular town in this commonwealth, for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote, in the choice of a representative, or representatives, for the said town.

V. The members of the house of representatives shall be chosen, annually, in the month of May, ten days, at least, before the last Wednesday of that month.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments, made by them, shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

X. The house of representatives shall be the judge of the returns, elections, and qualification of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle their rules and orders of proceeding in their own house. They shall have authority to punish, by imprisonment, every person (not a member) who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest any witness, or other person, ordered to attend the house, in his way in going or returning: or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested or held to bail on mesne process, during his going into, returning from, or his attending the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases; provided that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

Art. I. THERE shall be a supreme executive magistrate, who shall be styled, *The Governor of the Commonwealth of Massachusetts*—and whose title shall be, *His Excellency*.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold within the commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor to the selectmen, who shall preside at such meetings; and the town clerk, in the presence, and with the assistance of the selectmen, shall, in open town-meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person, against his name: and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May: and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and house of representatives on the last Wednesday in May, to be by them examined: and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published. But if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for: but, if otherwise, out of the number voted for; and make return to the senate, of the persons so elected; on which the senate shall, by ballot, elect one who shall be declared governor.

IV. The governor shall have authority from time to time, at his discretion, to assemble and call together the counsellors of this commonwealth for the time being; and the governor, with the said counsellors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

V. The governor, with the advice of council, shall have full power and authority, during the session of the general court, to adjourn, or prorogue the same, to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and in the recess of the said court, to prorogue the same, from time to time, not exceeding ninety days in any one recess; and to call it together sooner than the time to which it may be adjourned, or prorogued, if the welfare of the commonwealth shall require the same. And in case of any unce-

tions distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other of the most convenient places within the state.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

VI. In cases of disagreement between the two houses, with regard to the necessity, expedience, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine and the public good shall require.

VII. The governor of this commonwealth, for the time being, shall be commander in chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof; and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms as well by sea as by land, within or without the limits of this commonwealth: and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons, as shall at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion (declared by the legislature to exist) as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons (with their ships, arms, ammunition and goods) as shall, in a hostile manner, invade, or attempt the invading, conquering or annoying this commonwealth: and that the governor be entrusted with all these and other powers, incident to the offices of captain-general, and commander in chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, That the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state, to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions con-

tained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train band and alarm list of their respective companies, of twenty-one years of age and upwards. The field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments. The brigadiers shall be elected in like manner, by the field officers of their respective brigades. And such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws of the time being, then the governor, with the advice of council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.

The commanding officers of regiments shall appoint their adjutants and quarter-masters; the brigadiers their brigade majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

The governor, with advice of council, shall appoint all officers of the continental army, whom (by the confederation of the United States) it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

XI. No monies shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant, under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth—and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions ammunition, cannon with their appendages, and small arms, with their accoutrements, and of all other public property, whatever, under their care respectively; distinguishing the quantity, number, quality, and kind of each, as particularly as may be: together with the condition of such forts and garrisons. And the said commanding officer shall exhibit to the governor, when required thereto, true and exact plans of such forts, and of the land and sea, harbors, or harbors, adjacent.

And the said boards and all public officers shall communicate to the governor, as soon as may be, after receiving the same, all despatches and intelligence of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support; that he should in all cases act with freedom, for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns; and that he should maintain the dignity of the commonwealth, in the character of its chief magistrate—it is necessary that he should have an honorable stated salary of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall from time to time, be enlarged, as the general court shall judge proper.

CHAP. II. SEC. II.—LIEUTENANT GOVERNOR.

Art. I. There shall be annually elected a lieutenant governor of the commonwealth of Massachusetts, whose title shall be, *His Honor*, and who shall be qualified in point of religion, property and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

II. The governor, and in his absence, the lieutenant governor, shall be the president of the council; but shall have no vote in council: and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant by reason of his death, or absence from the commonwealth or otherwise, the lieutenant-governor for the time being, shall, during such vacancy perform all the duties incumbent upon the governor, and shall have and exercise all the power and authorities, which by this constitution, the governor is vested with when personally present.

CHAP. II. SEC. III.—COUNCIL AND THE MANNER OF SETTLING ELECTIONS BY THE LEGISLATURE.

Art. I. There shall be a council, for advising the governor in the executive part of government, to consist of nine persons, besides the lieutenant governor; whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together: and the governor, with the said counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

II. Nine counsellors shall be annually chosen from among the persons returned for the counsellors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons, who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

III. The counsellors, in the arrangements of the commonwealth, shall have rank, next after the lieutenant-governor.

IV. Not more than two counsellors shall be chosen out of any one district of this commonwealth.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present: and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters and things, as the governor or lieutenant-governor might or could, by virtue of this constitution, do or execute, if they or either of them, were personally present.

VII. And whereas, the elections appointed to be made by this constitution, on the last Wednesday in May, annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned, from day to day, until the same shall be completed. And the order of election shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there shall be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

CHAP. II. SEC. IV.—*Secretary, Treasurer, Commissary, &c.*

Art. I. The secretary, treasurer, and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room: and that the citizens of this commonwealth may be assured from time to time, that the monies, remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general, more than five years successively.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable: and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

CHAP. III.—JUDICIARY POWER.

Art. I. The tenure, that all commission officers, shall by law have in their offices, shall be expressed in their respective commissions, all judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution; provided nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority, to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place, of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

IV. The judges of probates of wills, and for granting letters of administration, shall hold their courts at such place or places on fixed days, as the convenience of the people shall require. And the legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said courts shall be holden at the times and places, which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

CHAP. IV.—DELEGATES TO CONGRESS.

The delegates of this commonwealth to the congress of the U. States, shall, sometime in the month of June annually, be elected by joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They

shall have commissions, under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner, in their stead.

CHAP. V.—*The University at Cambridge, and encouragement of Literature, &c.*

SECT. I.—THE UNIVERSITY.

Art. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College; in which university many persons of great eminence, have, by the blessing of God, been initiated into those arts and sciences, which qualified them for public employments, both in church and state: and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the christian religion, and the great benefit of this and the other United States of America; it is declared, that the president and fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattles, legacies and conveyances, heretofore made, either to Harvard College, in Cambridge, in New-England, or to the president and fellows of Harvard College, or to the said College, by some other description, under several charges successively—it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed, unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas, by an act of the general court of the colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College—and it being necessary, in this new constitution of government, to ascertain, who shall be deemed successors to the said governor, deputy governor, and magistrates—it is declared, that the governor, lieutenant governor, council and senate of this commonwealth, are, and shall be deemed their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches, in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this commonwealth, from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner, as might have been done by the legislature of the late province of the Massachusetts-Bay.

CHAP. V.—SECT. II.

The encouragement of Literature.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties: and as these depend on spreading the opportunities and advantages of education, in the various parts of the country, and among the different orders of the people, it shall be the duty of the legislatures and magistrates, in all future periods of this commonwealth, to cherish the interest of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, by rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections and generous sentiments among the people.

CHAP. VI.

Oaths and subscriptions; incompatibility of and exclusions from offices: pecuniary qualifications; commissions; writs; confirmation of laws; habeas corpus; the enacting stile; continuance of officers; provision for a future revisal of the constitution, &c.

Art. I. Any person, chosen governor, or lieutenant governor, counsellor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, take, make and subscribe the following declaration, viz:

"I, A. B. do declare, that I believe the christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property, required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant governor, and counsellors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives first elected under this constitutson, before the president and five of the council of the former constitution; and, forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices afore, said, as also any person, appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enter on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz:

"I, A. B. do truly and sincerely acknowledge, profess, testify, and declare, that the commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent state; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous con-

spiracies, and all hostile attempts whatsoever: and that I do renounce and abjure all allegiance, subjection and obedience, to the king, *queen* or *government* of Great Britain, *as the case may be*, and every other foreign power whatsoever. And that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing, or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth; except the authority and power, which is or may be vested, by their constituents, in the congress of the United States: and I do further testify and declare, that no man or body of men, hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgement, profession, testimony, declaration denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me God."

"I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of this commonwealth. So help me God."

Provided always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, '*I do swear*,' '*and abjure*,' '*oath*,' '*and abjuration*,' in the first oath; and in the second oath the words, '*swear and*;' and in each of them the words '*So help me God*;' subjoining in stead thereof, '*This I do under the pains and penalties of perjury*.'

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and counsellors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council, of the former constitution; and, forever afterwards, before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace throughout the state; nor shall they hold any other place or office, or receive any pension or salary, from any other state or government, or power, whatever.

No person shall be capable of holding or exercising, at the same time, more than one of the following offices within this state, viz. judge of probate, sheriff, register of probate, or register of deeds: and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, (military officer and the office of justice of the peace excepted) shall be held by one person.

No person, holding the office of judge of the supreme judicial court, secretary, attorney-general, solicitor-general, treasurer or receiver-general, judge of probate, commissary-general; president, professor, or instructor of Harvard College; sheriff, clerk of the house of representatives, register of probate, register of deeds, clerk of the supreme judicial court, clerk of the inferior court of common pleas, or officer of the customs, (including in this description naval officers) shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives: and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery, or corruption in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected into offices, as the circumstances of the commonwealth shall require.

IV. All commissions shall be in the name of the commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

V. All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court, to which they shall be returnable (who is not a party) and be signed by the clerk of such court.

VI. All the laws which have heretofore been adopted, used, and approved of in the province, colony, or state of Massachusetts-Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this commonwealth in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be, "*Be it enacted by the senate and house of representatives, in general court assembled, and by the authority of the same*."

IX. To the end there may be no failure of justice, or danger arise to the commonwealth, from a change of the form of government,

all officers, civil and military, holding commissions under the government and people of Massachusetts-Bay, in New-England, and all other officers of said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy, all the powers and authority to them granted or committed until other persons shall be appointed in their stead: and all courts of law shall proceed in the execution of the business of their respective departments: and all the executive and legislative officers, bodies, and powers, shall continue in full force in the enjoyment and exercise of all their trusts, employment and authority; until the general court, and the supreme and executive officers, under this constitution, are designated and invested with their respective trusts, powers, and authority.

X. In order the more effectually to adhere to the principles of the constitution, and correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments, on the necessity or expediency of revising the constitution in order to amendments.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision, or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention, for the purpose afor said.

The said delegates to be chosen in the same manner and proportion, as their representatives, in the second branch of the legislature, are by this constitution to be chosen.

XI. This form of government shall be enrolled on parchment and deposited in the secretary's office, and be a part of the laws of the land: and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

JAMES BOWDOIN, President.

Attest, SAMUEL BARRETT, Secretary.

Charter of Rhode-Island,

GRANTED BY CHARLES II. IN THE FOURTEENTH YEAR OF HIS REIGN.

Quintadecima pars Patentium Anno Regni Regnis Caroli Secundi Quintodecimo.

CHARLES the second, by the grace of God, &c. To all, to whom these presents shall come, greeting. Whereas we have been informed, by the petition of our trusty and well beloved subjects,

John Clark, on the behalf of Benedict Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Houlden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island called Rhode-Island, and the rest of the colony of Providence Plantations, in the Narraganset-Bay, in New-England in America—That they, pursuing with peace and loyal minds, their sober, serious, and religious intentions, of Godly edifying themselves, and one another in the holy christian faith and worship as they were persuaded, together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did not only, by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England, into America; but also since their arrival there, after their first settlement amongst other of our subjects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon those our subjects, not being able to bear, in those remote parts, their different apprehension in religious concernments: and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travail, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of that country; where, by the good providence of God, (from whom the plantations have taken their name) upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized, possessed by purchase and consent of said natives, to their full content, of such lands, islands, rivers, harbors, and roads, as are very convenient both for plantations and also for building of ships, supplying of pipestaves, and other merchandise, which lie very commodious, in many respects, for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having by near neighborhood to, and friendly society with, the great body of Narraganset Indians, given them encouragement, of their own accord, to subject themselves, their people and land unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America:

And whereas, in their humble address, they have freely declared that it is much on their hearts (if they be permitted) to hold forth a lively experiment that a most flourishing civil state may stand, and best be maintained, and that among our English subjects, with a full liberty in religious concernments; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty:

Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all the civil and religi-

ous rights appertaining to them, as our loving subjects: and to preserve unto them that liberty in the true christian faith and worship of God, which they have sought, with so much travail and with peaceable minds and loyal subjection to our royal progenitors and ourselves, to enjoy; and because some of the people and inhabitants of the same colony cannot, in their private opinion conform to the public exercise of religion, according to the liturgy, form, and ceremonies of the church of England, to take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, as we hope, be no breach of the unity and uniformity established in this nation: have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is:

That no person within the said colony, at any time hereafter, shall be any wise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, who do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his own and their judgments, and consciences, in matters of religious concernments, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty, to licentiousness and profaneness, nor to the civil injury or outward disturbance of others;—any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary hereof, in any wise notwithstanding.

And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid, are graciously pleased to declare.

That they shall have and enjoy the benefit of our late act of indemnity, and free pardon, as the rest of our subjects in our other dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges herein after mentioned. And, accordingly, our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted and declared; and by these presents, for us, our heirs and successors, do ordain, constitute and declare, that they the said William Benton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, —— Rainsborrow, —— Williams, and John Nickson, and all such others as are now, or hereafter shall be admitted free of the company and society of our colony of Providence Plantations, in the Narraganset-Bay, in New-England, shall be from time to time, and for ever hereafter, a body corporate and politic in fact and name, by the name of *The governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England, in America*; and that by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable in the law, to sue and be sued, to plead and be impleaded, to answer and to be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions and things, of what kind or nature soever: and also to have, take, possess, acquire and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, at their own will and pleasure, as other liege people of our realm of England, or any corporation, or body politic within the same, may lawfully do:

And further, that they, the said governor and company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes things and affairs whatsoever, of them and their successors: and the same seal to alter, change, break and to make new, from time to time, at their will and pleasure, as they shall think fit.

And further, we will and ordain, and by these presents, for us, our heirs and successors, declare and appoint, that for the better ordering and managing of the affairs of the said company and their successors, there shall be one governor, one deputy-governor, and ten assistants, to be from time to time constituted, elected and chosen out of the freemen of the said company, for the time being, in such manner and form, as is hereafter in these presents expressed which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there.

And for the better execution of our royal pleasure herein, we do, for us, our heirs, and successors, assign, name, constitute and appoint the aforesaid Benedict Arnold, to be the first and present governor of the said company; and the said William Brenton, to be the deputy-governor; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Green, John Cogeshall, James Barker, William Field, and Joseph Clarke, to be the ten present assistants of the said company, to continue in the said several offices respectively until the first Wednesday which shall be in the month of May now next coming.

And further, we will, and by these presents, for us, our heirs and successors, do ordain and grant, that the governor of the said company, for the time being, or in his absence, by occasion of sickness or otherwise, by his leave or permission, the deputy-governor for the time being, shall and may, from time to time, upon all occasions, give orders for the assembling of the said company, and calling them together to consult and advise of the business and affairs of the said company; and that forever hereafter twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October or oftener, in case it shall be requisite, the assistants and such of the freemen of the said company, not exceeding six persons for Newport, four persons of each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be from time to time thereunto elected or deputed, by the major part of the freemen of the respective

towns or places, for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise and determine, in and about the affairs and business of the said company and plantations.

And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said governor and company of the English colony of Rhode-Island, and Providence Plantations, in New-England in America, and their successors, That the governor, or, in his absense, or by his permission, the deputy-governor of the said company, for the time being, the assistants and such of the freemen of the said company, as shall be so aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly, as aforesaid, shall be called the general assembly; and that they, or the greatest part of them then present (whereof the governor, or deputy-governor, and six of the assistants at least, to be seven) shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint alter and change such days, times, and places of meeting and general assembly, as they shall think fit: and to choose, nominate and appoint such and so many persons as they shall think fit, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit; and to elect and constitute such offices and officers, and to grant such necessary commissions as they shall think fit and requisite, for ordering, managing, and dispatching of the affairs of the said governor and company, and their successors: and from time to time to make, ordain, constitute, and repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy as to them shall seem meet, for the good and welfare of the said company, and for the government and ordering of the lands hereditaments hereinafter mentioned to be granted, and of the people that do, or at any time hereafter shall inhabit or be within the same; so as such laws, ordinances, and constitutions so made, be not contrary and repugnant unto, but, (as near as may be) agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there; and also to appoint, order, and direct, erect, and such places and courts of jurisdiction, for hearing and determining of all actions, cases, matters, and things happening within the said colony and plantations, which shall be in dispute, and depending therein, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers and limits, of each court, office, and officer, superior and inferior; and also, to contrive and appoint such forms of oaths and attestations, not repugnant, but (as near as may be) agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite with respect to the due administration of justice, and due execution and discharge of all offices and places of trust, by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit and distinguish the number and bounds of all places, towns, and cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, that they have, or shall have the power of sending and calling of

freemen to the said general assembly; and also to order, direct, and authorise the imposing of lawful and reasonable fines, mulcts, imprisonment, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations, within this our kingdom of England; and again to alter revoke, annul, or pardon, under their common seal, or otherwise, such fines, mulcts, imprisonments, sentences, judgments, and condemnations, as shall be thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet, whereby our said people, and inhabitants in the said plantations, may be so religiously, peaceably, and civily governed, as that by their good life, and orderly conversation, they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and by these presents, for us, our heirs, and successors, ordaining, and appointing, that all such laws, statutes, orders and ordinances, instructions, impositions, and directions, as shall be made by the governor, deputy, assistants and freemen, or such number of them as aforesaid, and published in writing under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate exemplification thereof, shall be, to all and every such officers, superior or inferior, from time to time for the putting of the same orders, laws, statutes, ordinances, instructions, and directions in due execution, against, us, our heirs successors, a sufficient warrant and discharge.

And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, establish and ordain, That yearly, once in the year forever hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere if urgent occasion do require, the governor, deputy-governor, and assistants of the said company, or such of them as the general assembly shall think fit, shall be in the said general court or assembly to be held from that day or time, newly chosen for the year ensuing by the greater part of the said company for the time being, as shall be then and there present. And if it shall happen, that the present governor, deputy-governor, and assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their respective rooms, or any of them, or any other of the officers of the said company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we do hereby declare for a misdemeanor or default, to be removable by the governor, assistants and company, or such greater part of them, in any of the said public courts to be assembled as aforesaid) that then, and in every such case, it shall and may be lawful to and for the said governor, deputy-governor, assistants and company aforesaid, or such greater part of them to be assembled as aforesaid, in any of their assemblies, to proceed to a new election of one or more of their company in the room or place, rooms or places, of such officer or officers, so dying or removed, according to their directions. And immediately upon and after such election or elections made of such governor, deputy-governor, assistant, or assistants, or any other

officer of the said company, in manner and form aforesaid, the authority, office, and power, before given to the former governor, deputy-governor, and other officer and officers so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine: Provided always, and our will and pleasure is, that as well such as are by these presents appointed to be the present governor, deputy-governor, and assistants of the said company, as those which shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath or otherwise, for the due and faithful performance of their duties, in their several offices and places, before such person or persons, as are by these presents hereafter appointed to take and receive the same: that is to say, the said Benedict Arnold, who is herein before nominated and appointed the present governor of the said company, shall give the aforesaid engagement, before William Brenton, or any two of the said assistants of the said company, unto whom we do by these presents give full power and authority to require and receive the same: and the said William Brenton, who is hereby before nominated and appointed the present deputy-governor of the said company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the assistants of the said company, unto whom we do by these presents, give full power and authority to require and receive the same: and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Cogeshall, James Barker, William Field, and Joseph Clark, who are herein before nominated and appointed the present assistants of the company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further our will and pleasure is, that all and every other future governor, or deputy-governor, to be elected and chosen by these presents, shall give the said engagement before one or more of the said assistants of the said company, for the time being, unto whom we do by these presents give full power and authority to require administer or receive the same: and the said assistants, and every of them, and all and every other officer or officers, to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements to their offices and places respectively belonging, before the governor, or deputy-governor, for the time being; unto which said governor, or deputy-governor we do by these presents give full power and authority, to require, administer, or receive the same accordingly.

And we do likewise, for us, our heirs, and successors, give and grant unto the said governor and company, and their successors, by these presents, that for the more peaceably and orderly government of the said plantations, it shall and may be lawful for the governor, deputy-governor, assistants and all other officers and ministers of the said company in the administration of justice, and exercise of government, and the said plantations, to use, exercise, and put in execution such methods, orders, rules, and directions, (not being contrar, and repugnant to the laws and statutes of this our realm) as have been heretofore given, used and accustomed in such cases respectively, to be put in practice, until at the next, or some other general assembly, especial provision shall be made in the cases aforesaid.

And we do further, for us, our heirs and successors, give and grant to the said governor and company and their successors, by these presents, that it shall and may be lawful to and for the said governor, or in his absence, the deputy governor, and major part of the said assistants for the time being, at any time when the said general assembly is not setting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers as to them shall seem requisite, for the leading, conducting, and training up the inhabitants of the said plantations in martial affairs, and for the defence and safeguard of the said plantations; that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the governor, or in his absence the deputy-governor, and six of the assistants, and major-part of the freemen of said company, present at any general assemblies, nominated, appointed, and constituted, according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, marshal, array, and put in warlike posture, the inhabitants of said colony, for their especial defence and safety; and to lead and conduct the said inhabitants, and to encounter, repulse, and resist by force of arms as well by sea as by land, to kill, slay, and destroy, by all fitting ways, enterprizes and means whatsoever, all and every such person or persons, as shall at any time hereafter attempt or enterprise the destruction, invasion, detriment or annoyance of the said inhabitants or plantations; and to use and exercise the law martial, in such cases only as occasion shall necessarily require; and to take and surprize, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armour, ammunition, or other goods of such persons, as shall in hostile manner invade, or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and upon just cause to invade and destroy the native Indians or other enemies of the said colony.

Nevertheless, our will and pleasure is, and we do hereby declare, to the rest of our colonies in New-England, that it shall not be lawful for this our said colony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives inhabiting within the bounds and limits of the said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds or limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection) without the knowledge and consent of the governor and company of our colony of Rhode-Island and Providence Plantations.

Also our will and pleasure is, and we do hereby declare unto all christian kings, princes and states, that if any person who shall hereafter be of the said company or plantation, or any other, by

appointment of the said governor and company, for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt, or unlawful hostility, to any of the subjects of us, our heirs and successors, or to any of the subjects of any prince or state, being then in league with us, our heirs and successors: upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation, within any part of our realm of England, fit for that purpose that the person or persons committing any such robbery or spoil, shall within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince or others so complaining, may be fully satisfied and contented: and if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within such time so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection: and that then it shall and may be lawful and free for all princes or others, to prosecute with hostility such offenders, and every of them, their and every of their procurers, aiders and abetors; and counsellors in that behalf.

Provided also, and our express will and pleasure is, and we do by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not in any manner hinder any of our loving subjects whatsoever, from using and exercising the trade of fishing upon the coast of New-England in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the sea, or salt water rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land, belonging to the said colony and plantations, such wharves, stages and workhouses as shall be necessary for the salting, drying, and keeping of their fish, to be taken or gotten upon that coast.

And further, for the encouragement of the inhabitants of our said colony of Providence Plantations, to set upon the business of taking whales, it shall be lawful for them or any of them, having struck a whale, dubertus, or other great fish, it or them to pursue unto that coast, or into any bay, river, cove, creek or shore, belonging thereto, and it or them upon the said coast, or in the said bay, river, cove, creek, or shore belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; any thing in these presents contained, or any other matter or thing to the contrary notwithstanding.

And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of vines) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of a like nature.

And further, of our more ample grace, certain knowledge, and mere motion, we have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said governor and company of the English colony of Rhode-Island and

Providence Plantations, in the Naraganset-bay, in New-England, in America, and to every inhabitant there, and to every person, and persons, trading thither, and to every such person or persons, as are, or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport and carry away out of any of our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects, and strangers, as shall or will, willingly accompany them in and to their said colony and plantations, except such person or persons, as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandize, and other things whatsoever, that are, or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs, and successors, such duties, customs and subsidies, as are or ought to be paid or payable for the same.

And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said governor and company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children which have been born there, or which shall happen hereafter to be born there, or on the sea going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects, within any of the dominions of us, our heirs and successors, to all intents, constructions and purposes whatsoever, as if they, and every of them were born within the realm of England.

And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents for us, our heirs and successors, do give, grant, and confirm unto the said governor and company, and their successors, all that part of our dominions, in New-England in America, containing the Nahantick and Nanhyganset alias Naraganset-bay, and countries and parts adjacent, bounded on the west or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or middle stream thereof stretches or lies up into the north country, northward unto the head thereof, and from thence by a straight line drawn due north, until it meet with the south line of the Massachusetts colony; and on the north or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east or eastwardly, three English miles, to the east and north-east of the most eastern and north-eastern parts of the aforesaid Narraganset-bay, as the said bay lieth or extendeth itself from the ocean on the south or southwardly, unto the mouth of the river which runneth towards the town of Providence, and from thence along the eastwardly side or bank of the said river, (higher called by the name of Seacunck) up to the falls called Patucket Falls, being the most westwardly line of Plymouth colony; and so from the said

falls, in a straight line due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean, and in particular the lands belonging to the town of Providence, Patuxit, Warwicke, Misquammacock, alias Pawcatuck, and the rest upon the main land, in the tract aforesaid, together with Rhode-Island, Block-island, and all the rest of the islands and banks in Narraganset-bay, and bordering upon the coast of the tract aforesaid, (*Fisher's island only excepted*) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood-grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, to them or any of them belonging, or in any wise appertaining—to have and to hold the same, unto the said governor and company, and their successors forever upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns; to be holden of us, our heirs and successors, as of the manor of East-Greenwich, in our county of Kent, in free and common soccage, and not in capite, nor by knight's service;—yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver, which, from time to time, and at all times hereafter, shall be there gotten, had or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims or demands whatsoever, to be to us, our heirs, or successors, therefore or thereabout rendered, made or paid: any grant or clause in a late grant to the governor and company of Connecticut colony, in America, to the contrary thereof in anywise notwithstanding; the aforesaid Pawcatuck river having been yielded after much debate for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed, that the said Pawcatuck river, shall also be called, alias Narogancett or Naraganset river, and to prevent future disputes that otherwise might arise thereby, forever hereafter shall be construed deemed and taken to be the Narragancett river, in our late grant to Connecticut colony, mentioned as the easterly bounds of that colony.

And further, our will and pleasure is, that in all matters of public controversies, which may fall out between our colony of Providence Plantations, to make their appeal therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence plantations, without let or molestation, to pass and repass with freedom into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse, and hold commerce and trade with such of the inhabitants of our other English colonies, as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding.

And lastly, we do for us, our heirs and successors, ordain and grant, unto the said governor and company, and their successors, by these presents, that these our letters patents shall be firm, good, effectual, and available, in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning, herein before declared, and shall be construed, reputed and adjudged, in all cases most favorable on the behalf and for the best benefit and behoof of the said governor, company, and their successors, although express mention, &c. In witness, &c. Witness, &c. *Per Ipsum Regem.*

[The state of Rhode-Island and Providence Plantations has not assumed a form of government different from that contained in the foregoing charter. For in that the king ceded to the governor and company, all powers, legislative, executive and judicial reserving to himself, as an acknowledgment of his sovereignty, a render of the fifth part of the gold and silver ore that should be found within the territory. The governor, chief magistrates, and legislators are chosen by the freemen as usual, and all judicial and executive officers are annually elected by the governor and company, or upper and lower house of assembly. All processes, original and judicial, formerly issued in the king's name, but they now issue in the name of the governor and company. The oaths of allegiance and of office are made conformable to the principles of the revolution. The governor, in his legislative capacity, cannot give a negative to any act of the two houses; but, in common with the other magistrates, has one voice only.

The state is divided into five counties, in each of which there is a court of common pleas and general sessions of the peace, held twice every year, for the trial of all causes not capital, that arise within their limits; from which an appeal lies to the superior court of judicature, court of assize and general jail delivery, whose jurisdiction extends over the whole state, and who also sit twice a year in each county. The constitution admits not of religious establishments, any further than depends upon the voluntary choice of individuals. All men professing a belief in one Supreme Being are equally protected by the laws; and no particular sect can claim pre-eminence.]

CONNECTICUT.

ACCOUNT OF THE CONSTITUTION OF CONNECTICUT.

Connecticut is divided into six counties, and each county is divided into a number of towns. Each town has a right to send two representatives to the general court of assembly. The general court consists of two branches, called the upper and lower house. The upper house is composed of the governor, deputy governor, and twelve assistants or counsellors; and the lower house, of the representatives of the several towns. This court has the sole power to make and repeal laws, grant levies, dispose of lands belonging to the state, to particular towns and persons: to erect and style judicatories and officers, as they shall see necessary for the good government of the people; also to call to account, any court, magistrate, or other officer, for misdemeanor and mal-administration; and for just cause may fine, displace or remove them, or deal otherwise, as the nature of the case shall require; and deal or act in

any other matter, that concerns the good of the state, except the election of governor, deputy governor, assistants, treasurer and secretary, which shall be done by the freemen, at the yearly court of election, unless there be any vacancy, by reason of death or otherwise, after the election, which may be filled up by the general court. This court has power also, for reasons satisfactory to them, to grant suspension, release, and jail delivery upon reprieve, in capital and criminal cases. The general court has two stated sessions annually, on the second Tuesday of May and October.

The governor, or in his absence the deputy governor, may call the assembly, on special emergencies, to meet at any other time. The governor, deputy governor, assistants, and secretary, are annually elected, on the second Thursday in May. The representatives are newly chosen for each stated session. The judges and justices are annually appointed by the general court; the same persons are commonly re-appointed from time to time, during their capacity to serve, unless guilty of misbehavior. The sheriffs are appointed by the governor and council, without limitation of time; but may be superceded by the authority that appoints them. The governor, for the time being, is captain-general of the militia; the deputy governor, lieutenant-general; the other general officers and the field-officers are appointed by the general court, and commissioned by the governor. The captains and subalterns are chosen by the vote of the company and householders living within the limits of the company; the persons so chosen must be approved by the general court, and commissioned by the governor, before they have power to execute their office. All the military officers hold their office during the pleasure of the assembly; nor can they resign their commissions, without leave of the captain-general, under penalty of doing duty in the ranks, as private soldiers. The mode of electing the governor, deputy governor, assistants, treasurer and secretary is, that the freemen in the several towns, meet on the Monday next after the first Tuesday in April, annually, (being the day appointed by law for that purpose, and choosing representatives) and give in their votes for the persons they choose for said offices respectively, with their names written on a piece of paper, which votes are received and sealed up by a constable, in the freemen's meeting—the votes for each of said offices, in a different paper—writing on the outside the name of the town and the office for which the votes are given in; which are sent by the representatives to the general court, to be held on the second Thursday of May next ensuing, at which time, after the house of representatives have chosen a speaker and clerk, a committee is chosen of members of both houses, to sort and count the votes, and declare the names of the persons chosen to said offices. Any freeman, qualified to vote for representatives, may be elected to any office in the government. In choosing assistants, twenty persons are nominated by the votes of the freemen, given in at their meeting for choosing representatives in September annually, and sealed up and sent to the general court in October then next: which are counted by a committee of both houses, and the twenty persons who have the greatest number of votes, stand in nomination, out of which number twelve

are to be chosen assistants, by the freemen, the next April, in manner afore-described.

The qualifications, requisite to entitle a person to vote in elections of the officers of government, are—maturity in years, quiet and peaceable behavior, a civil conversation, and forty shillings freehold, or forty pounds personal estate; if the selectmen of the town certify a person qualified in those respects, he is admitted a freeman, on his taking an oath of fidelity to the state.

The names of all that are thus admitted, are enrolled in the town clerk's office, and continue freemen during life, unless disfranchised by a sentence of the superior court, on conviction of a misdemeanor.

The governor, or in his absence, the deputy governor, in the upper house—and the speaker, in the lower house of assembly, have a casting voice, when the members of the respective houses including the governor and speaker, are equally divided in opinion on any question.

There is in this state a superior court, consisting of one chief judge and four other judges, who have authority in all criminal cases, extending to life, limb, and banishment, and to hear and determine all civil actions, brought by appeal from the county courts, or on writs of error. This court also hath authority in all matters of divorce. There are two stated sessions of the superior court, in each county annually.

There are also county courts held in the several counties, consisting of one judge and four justices of the quorum, who have jurisdiction in all criminal cases, arising in their respective counties, where the punishment does not extend to life, limb, or banishment. The county courts have also original jurisdiction, in all civil actions, wherein the demand exceeds 40 shillings.

The superior and county courts try matters of fact, by a jury according to the course of the common law.

Justices of the peace have authority to hear and determine civil actions, when the amount does not exceed forty shillings. They also have authority, in some cases of a criminal nature, punishable by fine not exceeding forty shillings, or whipping not exceeding ten stripes, or sitting in the stocks.

This state is also divided into a number of probate districts, less than counties; in each of which is appointed a judge, for the probate of wills, granting administration on intestate estates, appointing guardians for minors, ordering distribution of intestate estates, &c. An appeal lies from any decree of this court, to the superior court.

The superior, county, and probate courts, appoint their respective clerks.

The general court has, till very lately, been the only court of chancery in this state; but by a late law the county courts determine matters of equity, from five pounds to two hundred pounds value; the superior court from two hundred to eight hundred pounds value; and the general assembly, all cases exceeding the last mentioned sum.

All attornies at law are admitted and sworn by the county courts; there is no attorney-general, but there used to be one king's attorney in each county; but since the king has abdicated the government, they are now attornies to the governor and company.

Constitution of New-York.

In Convention of the Representatives of the State of New-York.

Kingston, 20th April, 1777.

WHEREAS, the many tyrannical and oppressive usurpations of the king and parliament of Great Britain, on the rights and liberties of the people of the American colonies, had reduced them to the necessity of introducing a government by congress and committees as temporary expedients, and to exist no longer than the grievances of the people should remain without redress.

And whereas, the congress of the colony of New-York, did, on thirty-first day of May, now last past, resolve as follows, viz.

"*Whereas*, the present government of this colony, by congress and committees, was instituted while the former government, under the crown of Great Britain, existed in full force; and was established for the sole purpose of opposing the usurpation of the British parliament, and was intended to expire on a reconciliation with Great Britain, which it was then apprehended would soon take place, but is now considered as remote and uncertain.

"*And whereas*, many and great inconveniences attended the said mode of government by Congress and committees, as of necessity, in many instances, legislative, judicial and executive powers have been vested therein, especially since the dissolution of the former government, by the abdication of the late governor, and the exclusion of this colony from the protection of the king of Great Britain.

"*And whereas*, the continental congress did resolve as follows, to wit:

"*Whereas*, his Britannic majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of parliament, excluded the inhabitants of these united colonies from the protection of his crown. And whereas, no answer whatever, to the humble petition of the colonies for redress of grievances and reconciliation with Great Britain, has been or is likely to be given, but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies. And whereas, it appears absolutely irreconcileable to reason and good conscience, for the people of these colonies, now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain; and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted under the authority of the people of the colonies for the preservation of internal peace, virtue and good order, as well as for the defence of our lives, liberties and properties, against the hostile invasions and cruel depredations of our enemies. Therefore,

"*Resolved*, That it be recommended to the respective assemblies and conventions of the united colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall, in the opinion of the repre-

sentatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.'

"*And whereas*, doubts have arisen whether this congress are invested with sufficient power and authority to deliberate and determine on so important a subject as the necessity of erecting and constituting a new form of government and internal police, to the exclusion of all foreign jurisdiction, dominion and control whatever. *And whereas*, it appertains of right solely to the people of this colony to determine the said doubts: Therefore,

"*Resolved*, That it be recommended to the electors in the several counties in this colony, by election in the manner and form prescribed for the election of the present congress, either to authorise (in addition to the power vested in this congress) their present deputies, or others instead of their present deputies, or either of them, to take into consideration the necessity and propriety of instituting such new government as in and by the said resolution of the continental congress is described and recommended: And if the majority of the counties by their deputies in provincial congress, shall be of opinion that such new government ought to be instituted and established, then to institute and establish such a government as they shall deem best calculated to secure the rights, liberties and happiness of the good people of this colony; and to continue in force until a future peace with Great Britain shall render the same unnecessary.—And,

"*Resolved*, That the said elections in the several counties ought to be had on such a day, and at such place or places, as by the committee of each county respectively shall be determined. And it is recommended to the said committees, to fix such early days for the said elections, as that all the deputies to be elected have sufficient time to repair to the city of New-York, by the second Monday in July next, on which day all the said deputies ought punctually to give their attendance,

"*And whereas*, the object of the aforegoing resolutions is of the utmost importance to the good people of this colony:

"*Resolved*, That it be, and it is hereby earnestly recommended to the committees, freeholders, and other electors in the different counties in this colony, diligently to carry the same into execution."

And whereas the good people of the said colony, in pursuance of the said resolution, and reposing special trust and confidence in the members of this convention, have appointed, authorized and empowered them for the purposes, and in the manner, and with the powers in and by the said resolve specified, declared and mentioned.

And whereas, the delegates of the United American States, in general congress convened, did on the fourth day of July now last past, solemnly publish and declare, in the words following, to wit:

[Here follows the declaration of American Independence.]

And whereas, this convention, taking this declaration into their most serious consideration, did on the ninth day of July last past, unanimously resolve, that the reasons assigned by the continental congress, for declaring the United colonies free and independent

states, are cogent and conclusive; and that while we lament the cruel necessity which has rendered that measure unavoidable; we approve the same, and will, at the risque of our lives and fortunes, join with the other colonies in supporting it.

By virtue of which several acts, declarations and proceedings mentioned and contained in the aforerecited resolves or resolutions of the general congress of the United American states, and of the congresses or conventions of this state, all power whatever therein hath reverted to the people thereof, and this convention hath, by their suffrages and free choice been appointed, and among other things authorized to institute and establish such a government, as they shall deem best calculated to secure the rights and liberties of the good people of this state, most conducive of the happiness and safety of their constituents in particular, and of America in general.

I. This convention, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that no authority shall, on any pretence whatever, be exercised over the people or members of this state, but such as shall be derived from and granted by them.

II. This convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare that the supreme legislative power, within this state, shall be vested in two separate and distinct bodies of men—the one to be called, the assembly of the State of New-York—the other to be called, the senate of the State of New-York—who together shall form the legislature, and meet once at least in every year for the despatch of business.

III. And whereas, laws, inconsistent with the spirit of this constitution, or with the public good, may be hastily and unadvisedly passed: be it ordained, that the governor for the time being, the chancellor, and the judges of the supreme court—or any two of them, together with the governor—shall be, and hereby are, constituted a council to revise all bills about to be passed into laws by the legislature; and for that purpose shall assemble themselves from time to time, when the legislature shall be convened: for, which, nevertheless, they shall not receive any salary or consideration, under any pretence whatever. And that all bills, which have passed the senate and assembly, shall, before they become laws, be presented to the said council, for their revisal and consideration: and if, upon such revision and consideration, it should appear improper to the said council, or a majority of them, that the said bill should become a law of this state, that they return the same, together with their objections thereto in writing, to the senate or house of assembly (in whichsoever the same shall have originated) who shall enter the objections, set down by the council, at large in their minutes, and proceed to reconsider the said bill. But if, after such reconsideration, two-thirds of the said senate or house of assembly shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature where it shall also be reconsidered, and if approved by two-thirds of the members present, shall be a law.

And in order to prevent any unnecessary delays, be it further ordained, that if any bill shall not be returned by the council within ten days after it shall have been presented, the same shall be a law, unless the legislature shall, by their adjournment, render a return of the said bill, within ten days, impracticable; in which case, the bill shall be returned on the first day of the meeting of the legislature, after the expiration of the said ten days.

IV. That the assembly shall consist of at least seventy members, to be annually chosen in the several counties, in the proportion following, viz.

For the city and county of New-York, *nine.*
The city and county of Albany, *ten.*
The county of Dutchess, *seven.*
The county of Westchester, *six.*
The county of Ulster, *six.*
The county of Suffolk, *five.*
The county of Queens, *four.*
The county of Orange, *four.*
The county of Kings, *two.*
The county of Richmond, *two.*
The county of Tryon, *six.*
The county of Charlotte, *four.*
The county of Cumberland, *three.*
The county of Gloucester, *two.*

V. That as soon after the expiration of seven years (subsequent to the termination of the present war) as may be, a census of the electors and inhabitants of this state, shall be taken under the direction of the legislature. And if, on such census, it shall appear that the number of representatives in assembly, from the said counties, is not justly proportioned to the number of electors in said counties respectively, that the legislature do adjust and apportion the same by that rule.——And further, that once in every seven years, after the taking of the said first census, a just account of the electors, resident in each county shall be taken: and if it shall thereupon appear that the number of electors in any county, shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this state, the number of representatives for such county shall be increased or diminished accordingly—that is so say, one representative for every seventieth part aforesaid.

VI. And whereas, an opinion hath long prevailed, among divers of the good people of this state, that voting at elections by ballot, would tend more to preserve the liberty and equal freedom of the people, than voting *viva voce*:—To the end, therefore, that a fair experiment be made, which of those two methods of voting is to be preferred:

Be it ordained, that as soon as may be after the termination of the present war, between the United States of America and Great Britain, an act or acts be passed by the legislature of this state, for causing all elections thereafter to be held in this state, for sectors and representatives in assembly, to be by ballot, and directing the manner in which the same shall be conducted. And whereas it is possible, that after all the care of the legislature, in framing

the said act or acts, certain inconveniences and mischiefs unforeseen at this day, may be found to attend the said mode of electing by ballot;

It is further ordained, that if, after a full and fair experiment shall be made of voting by ballot aforesaid, the same shall be found less conducive to the safety or interest of the state, than the method of voting *viva voce*, it shall be lawful and constitutional for the legislature to abolish the same; provided, two-thirds of the members present in each house respectively, shall concur therein: and further, that during the continuance of the present war, and until the legislature of this state shall provide for the election of senators and representatives in assembly, by ballot, the said elections shall be made *viva voce*.

VII. That every male inhabitant of full age, who shall have personally resided within one of the counties of this state for six months immediately preceding the day of election, shall at such election, be entitled to vote for representatives of the said county in assembly; if, during the time aforesaid, he shall have been a freeholder, possessing a freehold of the value of twenty pounds within the said county, or have rented a tenement therein of the yearly value of forty shillings, and been rated and actually paid taxes to this state; provided always, that every person who now is a freeman of the city of Albany, or who was made a freeman of the city of New-York, on or before the fourteenth day of October in the year of our Lord one thousand seven hundred and seventy-five, and shall be actually and usually resident in the said cities respectively, shall be entitled to vote for representatives in assembly within his said place of residence.

VIII. That every elector, before he is admitted to vote, shall, if required by the returning officer, or either of the inspectors, take an oath, or, if of the people called Quakers, an affirmation of allegiance to the state.

IX. That the assembly, thus constituted, shall choose their own speaker, be judges of their own members, and enjoy the same privileges, and proceed in doing business in like manner as the assemblies of the colony of New-York of right formerly did; and that a majority of the said members shall, from time to time, constitute a house to proceed upon business.

X. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the senate of the state of New-York shall consist of twenty-four freeholders, to be chosen out of the body of the freeholders, and that they be chosen by the freeholders of this state, possessed of freeholds of the value of one hundred pounds, over and above all debts charged thereon.

XI. That the members of the senate be elected for four years, and, immediately after the first election, they be divided by lot into four classes, six in each class, and numbered one, two, three, four; that the seats of the members of the first class, shall be vacated at the expiration of the first year, the second class the second year, and so on continually; to the end, that the fourth part of the senate, as nearly as possible, may be annually chosen.

XII. That the election of senators, shall be after this manner: that so much of this state as is now parcelled into counties, be

divided into four great districts; the southern district to comprehend the city and county of New-York, Suffolk, Westchester, Kings, Queens, and Richmond counties; the middle district to comprehend the counties of Dutchess, Ulster, and Orange; the western district the city and county of Albany, and Tryon county; and the eastern district the counties of Charlotte, Cumberland and Gloucester. That the senators shall be elected by the freeholders of the said districts, qualified as aforesaid, in the proportions following, to wit: in the southern district, nine; in the middle district, six; in the western district, six; and in the eastern district, three. And be it ordained, that a census shall be taken as soon as may be, after the expiration of seven years from the termination of the present war, under the direction of the legislature: and if, on such census, it shall appear that the number of senators is not justly proportioned to the several districts, that the legislature adjust the proportion, as near as may be, to the number of freeholders qualified as aforesaid in each district. That when the number of electors within any of the said districts shall have increased one twenty-fourth part of the whole number of electors which by the said census shall be found to be in this state, an additional senator shall be chosen by the electors of such district. That a majority of the number of senators to be chosen as aforesaid, shall be necessary to constitute a senate sufficient to proceed upon business; and that the senate shall, in like manner with the assembly, be the judges of its own members. And be it ordained, that it shall be in the power of the future legislature of this state, for the convenience and advantage of the good people thereof, to divide the same into such further and other counties and districts, as shall to them appear necessary.

XIII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that no member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to the subjects of this state by this constitution, unless by the law of the land or the judgment of his peers.

XIV. That neither the assembly nor the senate shall have the power to adjourn themselves for any longer time than two days without the mutual consent of both.

XV. That whenever the assembly and senate disagree, a conference shall be held in the presence of both, and be managed by committees, to be by them respectively chosen by ballot. That the doors, both of the assembly and the senate shall at all times be kept open to all persons, except when the welfare of the state shall require their debates to be kept secret. And the journals of all their proceedings shall be kept in the manner heretofore accustomed by the general assembly of the colony of New-York; and, except such parts as they shall as aforesaid respectively determine not to make public, be from day to day, if the business of the legislature will permit, published.

XVI. It is nevertheless provided that the number of senators shall never exceed one hundred; but that whenever the number of senators shall amount to one hundred, or of the assembly to three hundred, then and in such case the legislature shall, from time to time, thereafter, by laws for that purpose, apportion and distribute

the said one hundred senators and three hundred representatives among the great districts and counties of this state, in proportion to the number of their respective electors, so that the representation of the good people of this state, both in the senate and assembly, shall forever remain proportionate and adequate.

XVII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the supreme executive power and authority of this state, shall be vested in a governor; and that statedly, once in every three years, and as often as the seat of government shall become vacant, a wise and discreet freeholder of this state shall be, by ballot, elected governor by the freeholders of this state, qualified as before described to elect senators, which elections shall be always held at the times and places of choosing representatives in assembly for each respective county; and that the person who hath the greatest number of votes within the said state, shall be governor thereof.

XVIII. That the governor shall continue in office three years, and shall, by virtue of his office, be general and commander in chief of all the militia, and admiral of the navy of this state; that he shall have power to convene the assembly and senate on extraordinary occasions; to prorogue them from time to time, provided such prorogations shall not exceed sixty days in the space of any one year; and, at his discretion to grant reprieves and pardons to persons convicted of crimes other than treason or murder, in which he may suspend the execution of the sentence, until it shall be reported to the legislature at their subsequent meeting; and they shall either pardon, or direct the execution of the criminal, or grant a further reprieve.

XIX. That it shall be the duty of the governor to inform the legislature at every session of the condition of the state, so far as may respect his department; to recommend such matters to their consideration as shall appear to him to concern its good government, welfare, and prosperity; to correspond with the continental congress, and other states, to transact all necessary business with the officers of government, civil and military, to take care that the laws are faithfully executed, to the best of his ability; and to expedite all such measures as may be resolved upon by the legislature.

XX. That a lieutenant-governor shall, at every election of a governor, and as often as the lieutenant governor shall die, resign, or be removed from office, be elected in the same manner with the governor, to continue in office until the next election of a governor, and such lieutenant-governor shall, by virtue of his office, be president of the senate, and upon an equal division, have a casting voice in their decisions, but not vote on any other occasion.

And in case of the impeachment of the governor, or his removal from office, death, resignation or absence from the state, the lieutenant governor shall exercise all the power and authority appertaining to the office of governor, until another be chosen, or the governor absent or impeached, shall return or be acquitted. Provided, that where the governor shall, with the consent of the legislature, be out of the state, in time of war, at the head of the military force thereof, he shall still continue in his command of all the military force of the state both by sea and land.

XXI. That whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as president of the senate, the senators shall have power to elect one of their own members to the office of president of the senate, which he shall exercise *pro hac vice*. And if, during such vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the state, the president of the senate shall, in like manner as the lieutenant-governor, administer the government, until others shall be elected by the suffrage of the people, at the succeeding election.

XXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the treasurer of this state shall be appointed by act of the legislature; to originate with the assembly: provided that he shall not be elected out of either branch of the legislature.

XXIII. That all officers, other than those, who, by this constitution, are directed to be otherwise appointed, shall be appointed in the manner following, to wit: The assembly shall, once in every year, openly nominate and appoint one of the senators from each great district, which senators shall form a council, for the appointment of the said officers, of which the governor for the time being, or the lieutenant-governor, or the president of the senate, (when they shall respectively administer the government) shall be president, and have a casting voice, *but no other vote*—and with the advice and consent of the said council, shall appoint all the said officers; and that a majority of the said council be a quorum; and further, the said senators shall not be eligible to the said council for two years successively.

XXIV. That all military officers be appointed during pleasure; that all commissioned officers, civil and military, be commissioned by the governor; and that the chancellor, the judges of the supreme court, and first judge of the county court in every county, hold their offices during good behavior, or till they have respectively attained the age of sixty years.

XXV. That the chancellor and judges of the supreme court shall not, at the same time, hold any other office, excepting that of delegate to the general congress upon special occasions; and that the first judges of the county courts, in the several counties, shall not at the same time, hold any other office excepting that of senator, or delegate to the general congress. But if the chancellor, or either of the said judges, be elected or appointed to any other office, excepting as before excepted, it shall be at his option in which to serve.

XXVI. That the sheriffs and coroners be annually appointed: and that no person shall be capable of holding either of the said offices more than four years successively; nor the sheriffs of holding any other office at the same time.

XXVII. And be it further ordained, that the register, and clerks in chancery, be appointed by the chancellor; the clerks of the supreme court by the judges of the said court; the clerk of the court of probate, by the judge of the said court; and the register and marshal of the court of admiralty, by the judge of the admiralty.

The said marshal, registers, and clerks to continue in office during the pleasure of those, by whom they are to be appointed, as aforesaid.

And that all attornies, solicitors, and counsellors at law, hereafter to be appointed, be appointed by the court, and licenced by the first judge of the court, in which they shall respectively plead or practice; and be regulated by the rules and orders of the said courts.

XXVIII. And be it further ordained, that where, by this convention, the duration of any office shall not be ascertained, such office shall be construed to be held during the pleasure of the council of appointment: Provided that new commissions shall be issued to judges of the county courts (other than to the first judge) and to justices of the peace once at least in every three years.

XXIX. That town clerks, supervisors, assessors, constables, collectors, and all other officers, heretofore eligible by the people, shall always continue to be so eligible, in the manner directed by the present or future acts of the legislature.

That loan-officers, county-treasurers, and clerks of the supervisors, continue to be appointed in the manner directed by the present or future acts of the legislature.

That delegates to represent this state in the general congress of the United States of America, be annually appointed as follows, to wit: The senate and assembly shall each openly nominate as many persons as shall be equal to the whole number of delegates to be appointed; after which nomination, they shall meet together, and those persons, named in both lists, shall be delegates; and out of those persons whose names are not in both lists, one half shall be chosen by the joint ballot of the senators and members of assembly, so met together as aforesaid.

XXX. That the style of all laws shall be as follows, to wit: "Be it enacted by the people of the state of New York represented in senate and assembly:" And that all writs and other proceedings shall run in the name of *The people of the state of New-York*, and be tested in the name of the chancellor or chief justice of the court, from whence they shall issue.

XXXII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that a court shall be instituted, for the trial of impeachments, and the correction of errors, under the regulations which shall be established by the legislature; and to consist of the president of the senate, for the time being, and the senators, chancellor and judges of the supreme court, or the major part of them: except that when an impeachment shall be prosecuted against the chancellor, or either of the judges of the supreme court, the person so impeached, shall be suspended from exercising his office, until his acquittal: and in like manner, when an appeal, from a decree in equity, shall be heard, the chancellor shall inform the court of the reasons of his decree, but shall not have a voice in the final sentence. And if the cause to be determined shall be brought up by writ of error, on a question of law, on a judgment in the supreme court, the judges of that court shall assign the reasons of such their judgment, but shall not have a voice for its affirmance or reversal.

XXXIII. That the power of impeaching all officers of the state, for mal and corrupt conduct in their respective offices, be vested in the representatives of the people in assembly; but that it shall always be necessary, that two-third parts of the members present shall consent to and agree in such impeachment. That previous to the trial of every impeachment, the members of the said court shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence; and that no judgment of the said court shall be valid, unless it be assented to by two-third parts of the members then present; nor shall it extend further than to removal from office, and disqualification to hold and enjoy any place of honor, trust, or profit, under this state. But the party so convicted, shall be, nevertheless, liable and subject to indictment, trial, judgment and punishment, according to the laws of the land.

XXXIV. And it is further ordained, that in every trial on impeachment, or indictment for crimes or misdemeanor, the party impeached or indicted, shall be allowed council, as in civil actions.

XXXV. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that such parts of the common law of England, and of the statute law of England and Great Britain and of the acts of the legislature of the colony of New-York, as together did form the law of the of said colony on the 19th of April, in the year of our Lord one thousand seven hundred and seventy-five, shall be and continue the law of this state, subject to such alterations and provisions as the legislature of this state shall, from time to time, make concerning the same. That such of the said acts as are temporary, shall expire at the times limited for their duration respectively. That all such parts of the said common-law, and all such of the said statutes, and acts aforesaid, or parts thereof, as may be construed to establish or maintain any particular denomination of Christians or their ministers, or concerning the allegiance heretofore yielded to, and the supremacy, sovereignty, government or prerogatives claimed or exercised by the king of Great Britain and his predecessors, over the colony of New York, or its inhabitants, or are repugnant to this constitution—be, and they hereby are, abrogated and rejected. And this convention doth further ordain, that the resolves or resolutions of the congress of the colony of New-York, and of the convention of the state of New-York, now in force, and not repugnant to the government, established by this constitution, shall be considered as making part of the laws of this state; subject, nevertheless, to such alterations and provisions as the legislature of this state may, from time to time, make concerning the same.

XXXVI. And be it further ordained, that all grants of lands within this state, made by the king of Great Britain or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred seventy-five, shall be null and void: but that nothing in this constitution contained shall be construed to affect any grants of land within this state, made by the authority of the said king or his predecessors, or to annul any charters to bodies politic, by him or them, or any of them, made prior to

that day. And that none of the said charters shall be adjudged to be void, by reason of any nonuser, or misuser of any of their respective rights or privileges, between the nineteenth day of April in the year of our Lord one thousand seven hundred and seventy-five, and the publication of this constitution. And further, that all such of the officers, described in the said charters respectively, as, by the terms of the said charters, were to be appointed by the governor of the colony of New-York, with or without the advice and consent of the council of the said king, in the said colony, shall henceforth be appointed by the council established by this constitution, for the appointment of officers in this state, until otherwise directed by the legislature.

XXXVII. And whereas, it is of great importance to the safety of this state, that peace and amity with the Indians within the same be at all times supported and maintained: and whereas, the frauds, too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities: Be it ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which hereafter may be made with or of the said Indians, within the limits of this state, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the legislature of this state.

XXXVIII. And whereas we are required, by the benevolent principles of rational liberty, not only to expel civil tyranny, but also to guard against that spiritual oppression and intolerance wherewith the bigotry and ambition of weak and wicked priests and princes have scourged mankind: this convention doth further, in the name and by the authority of the good people of this state, ordain, determine, and declare, that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this state to all mankind: Provided that the liberty of conscience hereby granted shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

XXXIX. And whereas the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duties of their function: therefore no minister of the gospel, or priest of any denomination whatsoever, shall, at any time hereafter, under any pretence or description whatever, be eligible to, or capable of, holding any civil or military office or place, within this state.

XL. And whereas, it is of the utmost importance to the safety of every state, that it should always be in a condition of defence; and it is the duty of every man who enjoys the protection of society, to be prepared and willing to defend it; this convention, therefore, in the name and by the authority of the good people of this state, doth ordain, determine and declare, that the militia of this state, at all times hereafter, as well in peace as in war, shall be armed and disciplined, and in readiness for service. That all such

of the inhabitants of this state (being of the people called Quakers) as, from the scruples of conscience, may be averse to the bearing of arms, be therefrom excused by the legislature; and do pay to the state, such sums of money, in lieu of their personal service, as the same may, in the judgment of the legislature, be worth: And that a proper magazine of warlike stores, proportionate to the number of inhabitants, be forever hereafter, at the expence of this state, and by acts of the legislature, established, maintained, and continued in every county in this state.

XLI. And this convention doth further ordain, determine and declare, in the name and by the authority of the good people of this state, that trial by jury, in all cases in which it hath heretofore been used in the colony of New-York, shall be established and remain inviolate forever. And that no acts of attainder shall be passed by the legislature of this state, for crimes, other than those committed before the termination of the present war; and that such acts shall not work a corruption of blood. And further, that the legislature of this state shall, at no time hereafter, institute any new court or courts, but such as shall proceed according to the course of the common law.

XLII. And this convention doth further, in the name and by the authority of the good people of this state, ordain, determine and declare, that it shall be in the discretion of the legislature, to naturalize all such persons, and in such manner as they shall think proper; provided all such of the persons, so to be by them naturalized, as being born in parts beyond sea, and out of the United States of America, shall come to settle in, and become subjects of this state, shall take an oath of allegiance to this state, and abjure and renounce all allegiance and subjection to all and every foreign king, prince, potentate, and state, in all matters, ecclesiastical, as well as civil. By order.

LEONARD GANSEVOORT,
Pres. pro tempore.

AMENDMENTS.

IN CONVENTION OF THE DELEGATES OF THE STATE OF NEW-YORK.

Albany, October 27, 1801.

WHEREAS the legislature of this state, by their act passed the sixth day of April last, did propose to the citizens of this state to elect by ballot delegates to meet in convention "for the purpose of considering the parts of the constitution of this state respecting the number of senators and members of assembly in this state, and with power to reduce and limit the number of them as the said convention might deem proper: and also for the purpose of considering and determining the true construction of the twenty-third article of the constitution of this state, relative to the right of nomination to office:—

And whereas the people of this state have elected the members of this convention for the purpose above expressed; and this convention having maturely considered the subject thus submitted to

their determination, do, in the name and by the authority of the people of this state, *ordain, determine and declare*:

I. That the number of the members of the assembly hereafter to be elected shall be one hundred, and shall never exceed one hundred and fifty.

II. That the legislature at their next session shall apportion the said one hundred members of the assembly among the several counties of this state, as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.

III. That from the first Monday in July next, the number of the senators shall be permanently thirty-two, and that the present number of senators shall be reduced to thirty-two in the following manner, that is to say:—The seats of the eleven senators composing the first class, whose time of service will expire on the first Monday in July next, shall not be filled up; and out of the second class the seats of one senator from the middle district and of one senator from the southern district shall be vacated by the senators of those districts belonging to that class casting lots among themselves; out of the third class, the seats of two senators from the middle district, and of one senator from the eastern district, shall be vacated in the same manner; out of the fourth class, the seats of one senator from the middle district, of one senator from the eastern district, and of one senator from the western district, shall be vacated in the same manner; and if any of the said classes shall neglect to cast lots, the senate shall in such case proceed to cast lots for such class or classes so neglecting. And that eight senators shall be chosen at the next election in such districts as the legislature shall direct, for the purpose of apportioning the whole number of senators amongst the four great districts of this state, as nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said districts by the census above-mentioned; which eight senators so to be chosen shall form the first class.

IV. That from the first Monday in July next, and on the return of every census thereafter, the number of the assembly shall be increased at the rate of two members for every year, until the whole number shall amount to one hundred and fifty; and that upon the return of every such census, the legislature shall apportion the senators and members of the assembly amongst the great districts and counties of this state, as nearly as may be, according to the number of their respective electors; Provided, That the legislature shall not be prohibited by any thing herein contained, from allowing one member of assembly to each county hereto fore created within this state.

V. And this convention do further, in the name and by the authority of the people of this state, *ordain, determine and declare*, That by the true construction of the twenty-third article of the constitution of this state, the right to nominate all officers other than those who by the constitution are directed to be otherwise appointed, is vested concurrently in the person administering the government of this state for the time being and in each of the members of the council of appointment. By order, A. BURR, *President of the convention, and Delegate from Orange county.*

Attest—James Van Ingen,
Joseph Constable, } Secretaries.

Constitution of New-Jersey.

WHEREAS all the constitutional authority, ever possessed by the kings of Great Britain over these colonies,* or their other dominions, was, by compact, derived from the people, and held of them, for the common interest of the whole society: allegiance and protection are in the nature of things, reciprocal ties, each equally depending upon the other, and liable to be dissolved by the other's being refused or withdrawn:—And whereas George the third, king of Great Britain, has refused protection to the good people of these colonies: and, by assenting to sundry acts of the British parliament, attempted to subject them to the absolute dominion of that body: and has also made war upon them in the most cruel and unnatural manner, for no other cause than asserting their just rights—all civil authority under him is necessarily at an end, and a dissolution of government in each colony has consequently taken place.

And whereas, in the present deplorable situation of these colonies, exposed to the fury of a cruel and relentless enemy, some form of government is absolutely necessary, not only for the preservation of good order, but also the more effectually to unite the people and enable them to exert their whole force in their own necessary defence; and as the honorable the continental congress, the supreme council of the American colonies, has advised such of the colonies, as have not yet gone into measures, to adopt for themselves respectively such government as shall best conduce to their own happiness and safety, and the well-being of America in general:—We, the representatives of the colony of New-Jersey, having been elected by all the counties in the freest manner, and in congress assembled, have, after mature deliberation, agreed upon a set of charter-rights and the form of a constitution, in the manner following, viz.

I. That the government of this province shall be vested in a governor, legislative council, and general assembly.

II. That the said legislative council and general assembly, shall be chosen, for the first time on the second Tuesday of August next; the members whereof shall be the same in number and qualifications as is herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future legislative council and assembly of this colony until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly and every year, forever (with the privilege of adjourning from day to day, as occasion may require) the counties shall severally choose one person, to be a member of the legislative council of this colony, who shall be and have been for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds, proclamation

* On the 20th September, 1777, an act of the legislature was passed substituting the word *state* for the word *colony* in commissions, writs, &c. No other alteration has take placee in the constitution.

money, of real and personal estate, within the same county; that at the same time, each county shall also choose three members of assembly; provided that no person shall be entitled to a seat in the said assembly, unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county; that on the second Tuesday next after the day of election, the council and assembly shall separately meet, and that the consent of both houses shall be necessary to every law; provided that seven shall be a quorum of the council for doing business, and that no law shall pass, unless there be a majority of all the representatives of each body personally present, and agreeing thereto. Provided always that if a majority of the representatives of this province, in council and general assembly convened, shall at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of assembly for any county or counties in this colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done, any thing in this charter to the contrary notwithstanding; so that the whole number of representatives in assembly, shall not at any time be less than thirty-nine.

IV. That all inhabitants of this colony of full age, who are worth fifty pounds proclamation money, clear estate in the same and have resided within the county in which they claim a vote, for twelve months immediately preceding the election, shall be entitled to vote for representatives in council and assembly and also for all other public officers, that shall be elected by the people of the county at large.

V. That the assembly, when met, shall have power to choose a speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills to be passed into laws; and to empower their speaker to convene them whenever any extraordinary occurrence shall render it necessary.

VI. That the council shall also have power to prepare bills to pass into laws, and have other like powers as the assembly, and in all respects be a free and independent branch of the legislature of this colony; save only that they shall not prepare or alter any money bill—which shall be the privilege of the assembly; that the council shall, from time to time, be convened by the governor or vice-president, but must be convened at all times, when the assembly sits; for which purpose, the speaker of the house of assembly shall always, immediately after an adjournment, give notice to the governor or vice-president, of the time and place to which the house is adjourned.

VII. That the council and assembly jointly, at their first meeting after each annual election, shall, by a majority of votes, elect some fit person within the colony, to be governor for one year, who shall be constant president of the council, and have a casting vote in their proceedings; and that the council themselves shall choose a vice-president, who shall act as such in the absence of the governor.

VIII. That the governor, or in his absence, the vice-president of the council, shall have the supreme executive power, be chancellor of the colony, and act as captain-general and commander-in-chief of all the militia, and other military force in this colony; and that any three or more of the council shall, at all times be a privy council to advise the governor in all cases where he may find it necessary to consult them; and that the governor be ordinary or surrogate-general.

IX. That the governor and council (seven whereof shall be a quorum) be the court of appeals, in the last resort in all causes of law, as heretofore; and that they possess the power of granting pardons to criminals, after condemnation, in all cases of treason, felony, or other offences.

X. That captains, and all other inferior officers of the militia, shall be chosen by the companies in the respective counties; but field and general officers, by the council and assembly.

XI. That the council and assembly shall have power to make the great seal of this colony, which shall be kept by the governor, or in his absence, by the vice-president of the council, to be used by them, as occasion may require; and it shall be called *the great seal of the colony of New-Jersey.*

XII. That the judges of the supreme court shall continue in office for seven years; the judges of the inferior court of common pleas in the several counties, justices of the peace, clerks of the supreme court, clerks of the inferior court of common pleas and quarter sessions, the attorney general and provincial secretary, shall continue in office for five years; and the provincial treasurer shall continue in office for one year; and that they shall be severally appointed by the council and assembly, in manner aforesaid, and commissioned by the governor, or in his absence, by the vice-president of the council. Provided always, that the said officers, severally, shall be capable of being re-appointed, at the end of the terms severally before limited; and that any of the said officers shall be liable to be dismissed, when adjudged guilty of misbehavior by the council, on an impeachment of the assembly.

XIII. That the inhabitants of each county, qualified to vote as aforesaid, shall, at the time and place of electing their representatives, annually elect one sheriff, and one or more coroners; and that they may re-elect the same person to such offices, until he shall have served three years, but no longer; after which, three years must elapse before the same person is capable of being elected again. When the election is certified to the governor, or vice-president, under the hands of six freeholders of the county for which they were elected, they shall be immediately commissioned to serve in their respective offices.

XIV. That the townships, at their annual town meetings for electing other officers, shall choose constables for the districts respectively; and also three or more judicious freeholders of good character, to hear and finally determine all appeals, relative to unjust assessments, in cases of public taxation; which commissioners of appeal, shall, for that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people by advertisements.

XV. That the laws of this colony shall begin in the following style, viz.—"Be it enacted by the council and general assembly of this colony, and it is hereby enacted by the authority of the same:" that all commissions granted by the governor or vice-president, shall run thus—"The colony of New-Jersey to A. B. &c. greeting:" and that all writs shall likewise run in the name of the colony; and that all indictments shall conclude in the following manner, viz. "Against the peace of this colony, the government and dignity of the same."

XVI. That all criminals shall be admitted to the same privileges of witnesses and counsel, as their prosecutors are or shall be entitled to.

XVII. That the estates of such persons as shall destroy their own lives shall not, for that offence, be forfeited; but shall descend in the same manner as they would have done, had such persons died in a natural way; nor shall any article, which may occasion accidentally the death of any one, be henceforth deemed a deodand or in any wise forfeited on account of such misfortune.

XVIII. That no person shall ever, within this colony, be deprived of the inestimable privilege of worshipping Almighty God, in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall any person, within this colony, ever be obliged to pay tithes, taxes, or any other rates, for the purpose of building or repairing any other church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged himself to perform.

XIX. That there shall be no establishment of any one religious sect in this province, in preference to another; and that no protestant inhabitant of this colony shall be denied the enjoyment of any civil right, merely on account of his religious principles; but that all persons, professing a belief in the faith of any protestant sect, who shall demean themselves peaceably under the government as hereby established, shall be capable of being elected into any office of profit or trust, or being a member of either branch of the legislature, and shall fully and freely enjoy every privilege and immunity enjoyed by others their fellow-subjects.

XX. That the legislative department of this colony may, as much as possible, be preserved from all suspicion of corruption, none of the judges of the supreme or other courts, sheriffs, or any other person or persons possessed of any post of profit under the government, other than justices of the peace, shall be entitled to a seat in assembly; but that on his being elected and taking his seat, his office or post shall be considered as vacant.

XXI. That all the laws of this province, contained in the edition lately published by Mr. Allison, shall be and remain in full force, until altered by the legislature of this colony, such only excepted as are incompatible with this charter, and shall be, according as heretofore, regarded in all respects, by all civil officers and others, the good people of this province.

XXII. That the common law of England, as well as so much of the statute law as has been heretofore practised in this colony, shall still remain in force, until they shall be altered by a future law of the legislature; such parts only excepted as are repugnant to the rights and privileges contained in this charter; and that the inestimable right of trial by jury shall remain confirmed, as a part of the law of this colony, without repeal forever.

XXIII. That every person who shall be elected, as aforesaid, to be a member of the legislative council or house of assembly shall previous to his taking his seat in council or assembly, take the following oath or affirmation, viz.

"I, A. B. do solemnly declare, that, as a member of the legislative council (or assembly, as the case may be) of the colony of New-Jersey, I will not assent to any law, vote, or proceeding, which shall appear to me injurious to the public welfare of said colony; nor that shall annul or repeal that part of the third section in the charter, of this colony which establishes that the elections of members of the legislative council and assembly shall be annual; nor that part of the twenty-second section in said charter respecting the trial by jury, nor that shall annul, repeal or alter any part or parts of the 18th or 19th sections of the same."

And any person or persons who shall be elected as aforesaid, is hereby empowered to administer to the said members the said oath or affirmation.

Provided always, and it is the true intent and meaning of this congress, that, if a reconciliation between Great Britain and these colonies should take place, and the latter be again taken under the protection and government of the crown of Great Britain, this charter shall be null and void, otherwise to remain firm and inviolable.

In Provincial Congress, Burlington, July 2, 1776.

By order of Congress,

SAMUEL TUCKER, President.

Extract from the minutes—

WILLIAM PATTERSON, Secretary.

CONSTITUTION

OF THE

Commonwealth of Pennsylvania,

As ratified in Convention, the second day of Sept. 1790.

WE, the People of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I—SECTION I.

The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The representatives shall be chosen annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

III. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county, in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this state. No person residing within any city, town or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person, residing without the limits of any such city, town, or borough, be elected a member therefor.

IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties, according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have, at least, one representative; but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative agreeable to the ratio which shall then be established.

V. The senators shall be chosen for four years, by the citizens of Philadelphia and of the several counties, at the same time, in the same manner, and at the same places where they shall vote for representatives.

VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as herein after directed according to the number of taxable inhabitants in each: and shall never be less than one-fourth nor greater than one-third, of the number of representatives.

VII. The senators shall be chosen in districts, to be formed by the legislature; each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than four senators. When a district shall be composed of two or more counties, they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided, in forming a district.

VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district, for which he shall have been chosen; unless he shall have been absent on the public business of the United States, or of this state.

IX. Immediately after the senators shall be assembled, in consequence of the first election, subsequent to the first enumeration, they shall be divided by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year: of the second class at the expiration of the second year; of the third class at the expiration of the third year; and of the fourth class at the expiration of the fourth year; so that one fourth may be chosen every year.

X. The general assembly shall meet on the first Tuesday of December in every year; unless sooner convened by the governor.

XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker *pro tempore*, when the speaker shall exercise the office of governor.

XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised, by law, to compel the attendance of absent members, in such manner, and under such penalties, as may be provided.

XIII. Each house may determine the rules of its proceedings; punish its members for disorderly behavior; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

XIV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy. And the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on the journals.

XV. The doors of each house and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

XVI. 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.

XVII. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall, in all cases, except treason, felony, and breach or surety of the peace, be free from arrest, during their attendance at the session of the respective privileged houses, and in going to and returning from the same. And for any speech or debate in either house they shall not be questioned in any other place.

XVIII. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress, or other person holding any office except of attorney at law, and in the militia, under the United States or this commonwealth, shall be a member of either house, during his continuance in congress, or in office.

XIX. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

XX. All bills, for raising revenue, shall originate in the house of representatives; but the senate may propose amendments as in other bills.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; but if

he shall not approve, he shall return it, with his objections, to the house in which it shall have originated; who shall enter the objections at large upon their journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two-thirds of that house, it shall be a law. But in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall be presented to him, it shall be a law, in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

XXIII. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment) shall be presented to the governor; and, before it shall take effect, be approved by him; or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE II.

I. The supreme executive power of this commonwealth shall be vested in a governor.

II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them, in the presence of the members of both houses of the legislature. The person having the highest number of votes, shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

III. The governor shall hold his office during three years from the third Tuesday of December, next ensuing his election; and shall not be capable of holding it longer than nine in any term of twelve years.

IV. He shall be at least thirty years of age, and have been a citizen and inhabitant of this state, seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

V. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

VI. The governor shall, at stated times, receive, for his services, a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

VII. He shall be commander in chief of the army and navy of this commonwealth, and of the militia; except when they shall be called into the actual service of the United States.

VIII. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but, if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of trust or profit under the United States, shall, at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills, recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office which future legislatures shall declare incompatible with offices or appointments under the United States.

IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

X. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

XI. He shall, from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration, such measures as he shall judge expedient.

XII. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn to such time as he shall think proper, not exceeding four months.

XIII. He shall take care that the laws be faithfully executed.

XIV. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such contested election, and until a governor shall be qualified as aforesaid.

XV. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers, relative thereto, before either branch of the legislature; and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. In elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector—provided that the sons of persons qualified as aforesaid, between the ages of twenty-one

and twenty-two years, shall be entitled to vote, although they shall not have paid taxes.

II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

III. Electors shall, in all cases, except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeaching.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor and all other civil officers, under this commonwealth, shall be liable to impeachment for any misdemeanor in office. But judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

II. The judges of the supreme court, and of the several courts of common pleas, shall hold their offices during good behavior. But for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them, on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

III. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county. The state shall be divided by law, into circuits, none of which shall include more than six, nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

V. The judges of the court of common pleas in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein: any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may, under such regulations, as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

VI. The supreme court and the several courts of common pleas, shall have the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating testimony, the obtaining of evidence from places not within this state, and the care of the persons and estates of those, who are *non compos mentis*; and the legislature shall vest in the said courts such other powers, to grant relief in equity, as shall be found necessary; and may, from time to time, enlarge or diminish those powers, or vest them in such other courts as they shall judge proper, for the due administration of justice.

VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the court of quarter sessions of the peace, and orphans' court thereof: and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

VIII. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

IX. The president of the court in each circuit, within such circuit, and the judges of the court of common pleas, within their respective counties, shall be justices of the peace so far as relates to criminal matters.

X. The governor shall appoint a competent number of justices of the peace, in such convenient districts, in each county, as are or shall be directed by law; they shall be commissioned during good behavior; but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both houses of the legislature.

XI. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

XII. The style of all process shall be, the commonwealth of Pennsylvania: all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, *against the peace and dignity of the same.*

ARTICLE VI.

I. Sheriffs and coroners, shall, at the times and places of election of representatives, be chosen by the citizens of each county.

Two persons shall be chosen for each office, one of whom, for each respectively, shall be appointed by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified: but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment, to be made by the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

II. The freemen of this commonwealth shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so; but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner, and for such time, as shall be directed by law.

III. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills and sheriffs, shall keep their offices in the county town, of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith, for any term, not exceeding five years after the county shall have been erected.

IV. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

V. The state treasurer shall be appointed, annually, by the joint vote of the members of both houses. All other officers, in the treasury department, attornies at law, election officers, officers relating to taxes, to the poor and highways, constables, and other township officers, shall be appointed in such manner as is or shall be directed by law.

ARTICLE VII.

I. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

II. The arts and sciences shall be promoted in one or more seminaries of learning.

III. The rights, privileges, immunities, and estates of religious societies and corporate bodies, shall remain, as if the constitution of this state had not been altered or amended.

ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial, shall be bound by oath or affirmation, to support the constitution of this commonwealth, and perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE,

I. That all men are born equally free and independent, and have certain inherent and indefeisible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

II. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of those ends, they have, at all times, an unalienable and indefeisible right, to alter, reform, or abolish their government, in such manner as they may think proper.

III. That all men have a natural and indefeisible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes of worship.

IV. That no person, who acknowledges the being of a God, and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

V. That elections shall be free and equal.

VI. The trial by jury shall be as heretofore, and the right thereof remain inviolate.

VII. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man: and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court as in other cases.

VIII. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures: and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

IX. That, in all criminal prosecutions, the accused hath a right to be heard by himself and his council; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor: and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself; nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

X. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or, by leave of the court, for oppression and misdemeano', in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any

man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

XI. That all courts shall be open; and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law direct.

XII. That no power of suspending laws, shall be exercised unless by the legislature, or its authority.

XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

XV. That no commission of oyer and terminer or jail delivery shall be issued.

XVI. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

XVII. That no *ex post facto* law, nor any law impairing contracts, shall be made.

XVIII. That no person shall be attainted of treason or felony by the legislature.

XIX. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons, as shall destroy their own lives, shall descend or vest as in case of natural death: and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

XXI. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

XXII. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

XXIII. That 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.

XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

XXV. That emigration from the state shall not be prohibited.

XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, That every thing in this article, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained,—

I. That all laws of this commonwealth, in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

II. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth, as heretofore, until the third Tuesday of December next: but no intermediate vacancies in the council shall be supplied by new elections.

III. That all officers, in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the first day of September, one thousand seven hundred and ninety-one—unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation—and no longer, unless re-appointed and commissioned by the governor; except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

IV. That justice shall be administered in the several counties of this state until the period aforesaid, by the same justices, in the same courts, and in the same manner, as heretofore.

V. That no person, now in commission as sheriff, shall be eligible at the next election, for a longer term than will, with the time which he shall have served in the said office, complete the term of three years.

VI. That, until the first enumeration shall be made, as directed in the fourth section of the first article of the constisution, established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives, as is now prescribed by law.

VII. That the first senate shall consist of eighteen members, to be chosen in districts, formed as follows, to wit: The city of Philadelphia and the counties of Philadelphia and Delaware shall be a district, and elect three senators: the county of Chester shall be a district, and shall elect one senator: the county of Bucks shall be a district, and shall elect one senator: the county of Montgomery shall be a district, and shall elect one senator: the county of Northampton shall be a district, and shall elect one senator: the counties of Lancaster and York shall be a district, and shall elect three senators: the counties of Berks and Dauphin shall be a district, and shall elect two senators: the counties of Cumberland and Mifflin shall be a district, and shall elect one senator: the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall

elect one senator: the counties of Bedford and Franklin shall be a district, and shall elect one senator: the counties of Westmoreland and Alleghany shall be a district, and shall elect one senator: and the counties of Washington and Fayette shall be a district, and shall elect two senators: which senators shall serve until the first enumeration before-mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies, which shall happen in the senate, within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

VIII. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making returns of the election of representatives. In those districts which consist of more than one county, the judges of the district elections within each county after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned within the district, of which such county is a part, where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia, and the counties of Philadelphia and Delaware, shall meet in the state-house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court-house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middletown in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Alleghany, shall meet in Westmoreland county, at the court-house in the town of Greensborough; the judges of the district composed of the counties of Washington and Fayette, shall meet at the court-house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purposes aforesaid.

IX. That the election of the governor shall be conducted in the several counties, in the manner prescribed by the laws of the state for the election of representatives: and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America, the fifteenth. In testimony whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, *President.*

James Wilson,	William Reed,
Hilary Baker,	Benjamin Tyson,
William Lewis,	Benjamin Pedan,
Thomas M'Kean,	Matthew Dill,
George Gray,	William Irvine,
William Robinson, junior,	James Power,
Robert Hare,	Joseph Heister,
Enoch Edwards,	Christian Lower,
Samuel Ogden,	Abraham Lincoln,
Thomas Jenks, junior,	Paul Groscop,
John Barclay,	Baltzer Gehr,
Abraham Stout,	Samuel Sitgreaves,
William Gibbons,	John Arndt,
Thomas Bull,	Peter Rhoads,
James Boyd,	Joseph Powell,
Edward Hand,	John Piper,
Robert Coleman,	Charles Smith,
Sebastian Graff,	Simon Snyder,
John Hubley,	William Findley,
John Breckbill,	William Todd,
Henry Miller,	Alexander Addison,
Henry Slagle,	John Hoge,
David Reddick,	John Gloninger,
James Ross,	William Brown,
John Smilie,	Alexander Graydon,
Albert Gallatin,	Timothy Pickering,
James M'Lene,	Andrew Henderson,
George Matthews,	John Gibson,
James Morris,	Thomas Beale,
Lindsey Coats,	John Sellers,
Jonathan Shoemaker,	Nathaniel Newlin.

Attest—JOSEPH REDMAN, *Secretary.*

JACOB SHALLUL, *Assistant Secretary.*

CONSTITUTION

OF THE

STATE OF DELAWARE.

We, the people, hereby ordain and establish this constitution of government for the state of Delaware.

Through divine goodness, all men have by nature, the rights of worshipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness: and they may, for this end, as circumstances require from time to time, alter their constitution of government.

ARTICLE I.

Sec. 1. Although it is the duty of all men frequently to assemble together for the public worship of the Author of the universe, and piety and morality, on which the prosperity of communities depends, are thereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

Sec. 2. No religious test shall be required as a qualification to any office, or public trust, under this state.

Sec. 3. All elections shall be free and equal.

Sec. 4. Trial by jury shall be as heretofore.

Sec. 5. The press shall be free to every citizen, who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury may determine the facts and the law, as in other cases.

Sec. 6 The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as particularly as may be; nor then, unless there be probable cause, supported by oath or affirmation.

Sec. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends, or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself; nor shall be deprived of life, liberty, or property, unless by the judgment of his peers or the law of the land.

Sect. 8. No person shall for any indictable offence be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offence twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without compensation being made.

Sec. 9. All courts shall be open; and every man for an injury done him in his reputation, person, moveable or immoveable possessions, shall have remedy by due course of law, and justice administered according to the very right of the cause, and the law of the land, without sale, denial, or unreasonable delay or expense; and every action shall be tried in the county in which it shall be

commenced, unless when the judges of the court in which the cause is to be tried, shall determine that an impartial trial thereof cannot be had in that county. Suits may be brought against the state, according to such regulations as shall be made by law.

Sec. 10. No power of suspending laws shall be exercised, but by authority of the legislature.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the constructions of goals, a proper regard shall be had to the health of prisoners.

Sec. 12. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is positive or the presumption great; and when persons are confined on accusation for such offences, their friends and counsel may at proper seasons have access to them.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety shall require it.

Sec. 14. No commission of oyer and terminer or gaol delivery shall be issued.

Sec. 15. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate. The estates of those who destroy their own lives shall descend or vest as in case of natural death, and if any person be killed by accident, no forfeiture shall be thereby incurred.

Sec. 16. Although disobedience to the laws by a part of the people, upon suggestions of impolicy or injustice in them, tends, by immediate effect and the influence of example, not only to endanger the public welfare and safety, but also in governments of a republican form, contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right, in an orderly manner, to meet together, and to apply to persons entrusted with the powers of government, for redress of grievances, or other proper purposes, by petition, remonstrance, or address.

Sec. 17. No standing army shall be kept up without the consent of the legislature; and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Sec. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but by a civil magistrate, in a manner to be prescribed by law.

Sec. 19. No hereditary distinction shall be granted; nor any office created or exercised, the appointment to which shall be for a longer term than during good behavior; and no person holding any office under this state shall accept of any office, or title of any kind whatever, from any king, prince, or foreign state.

We declare that every thing in this article is reserved out of the general powers of government hereinafter mentioned.

ARTICLE II.

Sec. 1. The legislative power of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Sec. 2. The representatives shall be chosen annually by the citizens residing in the several counties respectively, on the first Tuesday of October.

No person shall be a representative who shall not have attained to the age of twenty-four years, and have a freehold in the county in which he shall be chosen, have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States or of this state.

There shall be seven representatives chosen in each county, until a greater number of representatives shall by the general assembly be judged necessary; and then, two thirds of each branch of the legislature concurring, they may by law make provision for increasing their number.

Sec. 3. The senators shall be chosen for three years by the citizens residing in the several counties respectively, having right to vote for representatives, at the same time when they shall vote for representatives, in the same manner, and at the same places.

No person shall be a senator who shall not have attained to the age of twenty-seven years, and have in the county, in which he shall be chosen, a freehold estate in two hundred acres of land or an estate in real and personal property, or in either, of the value of one thousand pounds at least, and have been a citizen and inhabitant of the state three years next preceding the first meeting of the legislature after his election, and the last year of that term an inhabitant of the county in which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this state.

There shall be three senators chosen in each county. When a greater number of senators shall, by the general assembly, be judged necessary, two thirds of each branch concurring, they may by law make provision for increasing their number; but the number of senators shall never be greater than one half, nor less than one third of the number of representatives.

Immediately after the senators shall be assembled in consequence of the first election, the senators residing in each county shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that one third may be chosen every year.

Sec. 4. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Sec. 5. Each house shall choose its speaker and other officers; and also each house, whose speaker shall exercise the office of governor, may choose a speaker pro tempore.

Sec. 6. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised to compel the attendance of absent members, in such manner, and under such penalties, as shall be deemed expedient.

Sec. 7. Each house may determine the rules of its proceedings, punish any of its members for disorderly behavior, and with the concurrence of two thirds, expel a member; and shall have all

other powers necessary for a branch of the legislature of a free and independent state.

Sec. 8. Each house shall keep a journal of its proceedings, and publish them immediately after every session, except such parts as may require secrecy; and the yeas and nays of the members on any question, shall, at the desire of any member, be entered on the journal.

Sec. 9. The doors of each house, and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 10. Neither house shall, without the consent of the other, adjourn more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 11. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; but no law, varying the compensation, shall take effect till an election of representatives shall have intervened. They shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 12. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased during such time. No person concerned in any army or navy contract, no member of congress, nor any person holding any office under this state, or the United States, except the attorney-general, officers usually appointed by the courts of justice respectively, attornies at law, and officers in the militia, holding no disqualifying office, shall during his continuance in congress or in office, be a senator or representative.

Sec. 13. When vacancies happen in either house, writs of election shall be issued by the speakers respectively, or in cases of necessity, in such other manner as shall be provided for by law; and the persons thereupon chosen shall hold their seats as long as those in whose stead they are elected might have done, if such vacancies had not happened.

Sec. 14. All bills for raising revenue shall originate in the house of representatives; but the senate may propose alterations as on other bills; and no bill, from the operation of which, when passed into a law, revenue may incidently arise, shall be accounted a bill for raising revenue; nor shall any matter or clause whatever, not immediately relating to and necessary for raising revenue, be in any manner blended with or annexed to a bill for raising revenue.

Sec. 15. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

ARTICLE III.

Sec. 1. The supreme executive powers of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen on the first Tuesday of October, by the citizens of the state having right to vote for re-

presentatives, in the counties where they respectively reside, at the places where they shall vote for representatives.

The returns of every election for governor shall be sealed up and immediately delivered by the returning officers of the several counties to the speaker of the senate, or in case of his death, to the speaker of the house of representatives, who shall keep the same until a speaker of the senate shall be appointed, to whom they shall be immediately delivered after his appointment, who shall open and publish the same in the presence of the members of both houses of the legislature. Duplicates of the said returns shall also be immediately lodged with the prothonotary of each county. The person having the highest number of votes shall be governor; but, if two or more shall be equal in the highest number of votes, the members of the two houses shall by joint ballot, choose one of them to be governor; and if upon such ballot, two or more of them shall still be equal and highest in votes, the speaker of the senate shall have an additional casting vote.

Contested elections of a governor shall be determined by a joint committee, consisting of one third of all the members of each branch of the legislature, to be selected by ballot of the houses respectively: Every person of the committee shall take an oath or affirmation, that in determining the said election, he will faithfully discharge the trust reposed in him; and the committee shall always sit with open doors.

Sec. 3. The governor shall hold his office during three years from the third Tuesday of January next ensuing his election; and shall not be capable of holding it longer than three in any term of six years.

Sec. 4. He shall be at least thirty-six years of age, and have been a citizen and inhabitant of the United States twelve years next before the first meeting of the legislature after his election, and the last six of that term an inhabitant of this state, unless he shall have been absent on the public business of the United States or of this state.

Sec. 5. No member of congress, nor person holding any office under the United States or this state, shall exercise the office of governor.

Sec. 6. The governor shall at stated times receive for his services an adequate salary, to be fixed by law, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. 7. 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.

Sec. 8. He shall appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within a county who shall not have a right to vote for representatives, and have been an inhabitant therein one year next before his appointment, nor hold the office longer than he continues to reside in the county. No member of congress, nor any person holding or exercising any office under the United States, shall at the same time hold or exercise the office of judge, treasurer, attorney-general, secretary, clerk of the supreme court,

prothonotary, register for the probate of wills and granting letters of administration, recorder, sheriff, or any office, under this state, with a salary by law annexed to it, or any other office which the legislature shall declare incompatible with offices or appointments under the U. States. No person shall hold more than one of the following offices at the same time, to wit: treasurer, attorney-general, clerk of the supreme court, prothonotary, register, or sheriff. All commissions shall be in the name of the state, shall be sealed with the great seal, and be signed and tested by the governor.

Sec. 9. He shall have power to remit fines and forfeitures; and to grant reprieves and pardons, except in cases of impeachment.

Sec. 10. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 11. He shall from time to time give to the general assembly information of affairs concerning the state; and recommend to their consideration such measures as he shall judge expedient.

Sec. 12. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months.

Sec. 13. He shall take care that the laws be faithfully executed.

Sec. 14. On the death or resignation of the governor, or his removal from office on impeachment, or for inability, the speaker of the senate at that time shall exercise the office of governor until a new governor shall be duly qualified; and on the death or resignation of the speaker of the senate, the speaker of the house of representatives at that time shall exercise the office, until it be regularly vested in a new governor. If the trial of a contested election shall continue longer than the third Tuesday of January next ensuing the election of a governor, the governor of the last year, or the speaker of the senate or of the house of representatives, who may then be in the exercise of the executive authority, shall continue therein until a determination of such contested election. The governor shall not be removed from his office for inability but with the concurrence of two thirds of all the members of each branch of the legislature.

Sec. 15. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor; and shall when required by either branch of the legislature, lay the same and all papers, minutes, and vouchers relative thereto, before them; and shall perform such other duties as shall be enjoined him by law. He shall have a compensation for his services to be fixed by law.

ARTICLE IV.

Sec. 1. All elections of governor, senators, and representatives shall be by ballot; and in such elections every white freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and the sons of persons so qualified shall, between the ages of twenty-one and

twenty-two years, be entitled to vote, although they shall not have paid taxes.

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

ARTICLE V.

Sec. 1. The house of representatives shall have the sole power of impeaching; but two thirds of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two thirds of all the senators.

Sec. 2. The governor and all other civil officers under this state shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this state; but the party convicted shall nevertheless be subject to indictment, trial, judgments and punishment according to law.

Sec. 3. Treason against this state shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treasons unless on the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE VI.

Sec. 1. The judicial power of this state shall be vested in a court of chancery, a supreme court, and courts of oyer and terminer and general gaol delivery, in a court of common pleas, and in an orphan's court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature, two thirds of all the members of each branch concurring, may, from time to time, establish.

Sec. 2. The chancellor and the judges of the supreme court and of the court of common pleas shall hold their offices during good behavior; but for any reasonable cause which shall not be a sufficient ground for an impeachment, the governor may, in his discretion, remove any of them, on the address of two thirds of all the members of each branch of the legislature. They shall, at stated times, receive for their services adequate salaries, to be fixed by law, which shall not be diminished during their continuance in office, and shall be payable quarterly to their respective orders upon the treasurer, out of any monies in the treasury; but they shall hold no other office of profit, nor receive any fees or perquisites, except such fees as shall be fixed by law for business to be done out of court.

Sec. 3. The judges of the supreme court shall be not fewer than three, nor more than four, one of whom shall be the chief justice. There shall be a judge residing in each county. The jurisdiction of this court shall extend over the state. The judges shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery in the several counties. Any two of the judges may act as if all were present.

Sec. 4. The judges of the court of common pleas shall be not fewer than three, nor more than four, one of whom shall be chief justice. There shall be a judge residing in each county. The jurisdiction of court shall extend over the state. Any two of the judges may act as if all were present.

Sec. 5. The chancellor, or any judge of the supreme court, or of the court of common pleas, shall issue the writ of habeas corpus in vacation time and out of term, when duly applied for, which shall be immediately obeyed.

Sec. 6. Any judge of the supreme court, or of the court of common pleas may, unless the legislature shall otherwise provide by law, out of court, take the acknowledgement of deeds; and the same being thereon certified under his hand, such deed shall be recorded and have the same effect as if acknowledged in open court.

Sec. 7. In civil causes, when pending, the supreme court and court of common pleas shall have the power, before judgment, of directing, upon such terms as they shall deem reasonable, amendments in pleadings and legal proceedings, so that by error in any of them the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses that are aged, very infirm, or going out of the state, upon interrogatories *de bene esse*, to be read in evidence in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the state.

Sec. 8. Suits may originate in the supreme court or court of common pleas.

Sec. 9. One judge of the supreme court or of the court of common pleas may, if the other judges come not, open and adjourn the court, and may also make the necessary rules preparatory respectively to the trial or argument of causes.

Sec. 10. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same and the costs then accrued, and the plaintiff not accepting thereof, it shall be delivered for his use to the clerk or prothonotary of the court; and if, upon the final decision of the cause, the plaintiff shall not recover a greater sum than that paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

Sec. 11. By the death of any party no suit in chancery or at law, where the cause of action survives, shall abate; but, until the legislature shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendants dies, the executor or administrator, being duly served with a scire facias thirty days before the return thereof, shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases the court shall pass a decree, or render judgment for or against executors or administrators as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the courts, upon motion, shall grant such a continuance of the cause as to judges shall appear proper.

Sec. 12. Whenever a person, not being an executor or administrator, appeals from the decree of the chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in the chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fail to make his plea good.

Sec. 13. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, but within five years from this time; nor upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering, or rendering thereof, unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then, within five years exclusive of the time of such disability.

Sec. 14. The equity of jurisdiction heretofore exercised by the judges of the court of common pleas, shall be separated from the common law jurisdiction, and vested in a chancellor, who shall hold courts of chancery in the several counties of this state. In cases of equity jurisdiction, where the chancellor is interested, the cognizance thereof shall belong to the court of common pleas, with an appeal to the high court of errors and appeals.

Sec. 15. The judges of the court of common pleas, or any two of them, shall compose the orphans' court of each county, and may exercise the equity jurisdiction heretofore exercised by the orphans' court, except to the adjusting and settling executors, administrators, and guardians' accounts; in which cases they shall have an appellate jurisdiction from the sentence or decree of the register.—This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Sec. 16. An executor, administrator, or guardian, shall file every account with the register for the county, who shall as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor, administrator, or guardian, and shall adjust and settle the same, according to the very right of the matter, and the law of the land; which account so settled, shall remain in his office for inspection; and the executor, administrator, or guardian shall, within three months after such settlement, give due notice in writing to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the state, that the account is lodged in the said office for inspection; and the judges of the orphans' court shall hear the exceptions of any persons concerned, if any be made, and thereupon allow no demand whatever against the estate of the deceased, unless upon consideration of all circumstances, they shall be fully convinced that the same is therewith justly chargeable.

Sec. 17. The registers of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause, the depositions of the witnesses examined shall be taken at large in writing, and make part of the proceedings in the cause.—This court may issue process throughout the state, to compel the attendance of witnesses. Appeals may be made from a register's court to the supreme court, whose decision shall be final. In cases where a register is interested in questions concerning the probate of wills, the granting letters of administration, or executors, administrators, or guardians accounts, the cognizance thereof shall belong to the orphans' court, with an appeal to the supreme court those decisions shall be final.

Sec. 18. The prothonotaries of the court of common pleas may issue process as heretofore, take recognizances of bail, and sign confessions of judgment; and the clerks of the supreme court shall have the like powers. No judgment in the supreme court or court of common pleas held for one county, shall bind lands or tenements in another, until a testatum, fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situated.

Sec. 19. The judges of the court of common pleas shall, by virtue of their offices, compose the courts of general quarter sessions of the peace, and gaol delivery, within the several counties. Any two of the said judges shall be a quorum.

Sec. 20. The governor shall appoint a competent number of persons to the office of justice of the peace, not exceeding twelve in each county, until two-thirds of both houses of the legislature shall by law direct an addition to the number, who shall be commissioned for seven years, if so long they shall behave themselves well: but may be removed by the governor within that time on conviction of misbehavior in office, or on the address of both houses of the legislature.

Sec. 21. The style in all process and public acts, shall be, THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the state, and shall conclude *against the peace and dignity of the state.*

ARTICLE VII.

Sec. 1. There shall be a court styled *The high court of errors and appeals*, which shall consist of the chancellor and of the judges of the supreme court, and court of common pleas. Any four of the judges of this court may proceed on business; but any smaller number may open and adjourn the court. If any of them has rendered judgment or passed a decree in any cause before removal, he shall not sit judicially upon the hearing of the same in this court, but may assign the reasons upon which such judgment was rendered or such decree passed. The chancellor shall preside, except when he cannot sit judicially; and in such cases, or his absence, the chief justice of the supreme court; but if he is so disqualified or absent, then the chief justice of the court of common pleas shall preside; and if he is so disqualified or absent, then the next eldest judge according to priority in date of commissions, if present, and not disqualified as aforesaid, shall preside. This court shall have power to issue writs of error to the supreme court, and to the court of common pleas, and to receive and determine appeals from interlocutory or final orders or decrees of the chancellor. Errors shall be assigned, and causes of appeal exhibited in writing speedily, and citations duly served on adverse parties.

Sec. 2. Upon the reversal of a judgment of the supreme court, or of the court of common pleas, or a decree of the chancellor, this court shall respectively render such judgment, or pass such decree, as the supreme court or the court of common pleas, or the chancellor ought to have rendered or passed, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damages to be assessed, or the matters to be decreed, are uncertain: In any of which cases the causes shall be remanded, in order to a final decision.

Sec. 3. The judges of this court may issue all process proper for bringing records fully before them, and for carrying their determinations into execution.

ARTICLE VIII.

Sec. 1. The members of the senate and house of representatives, the chancellor, the judges of the supreme court, and the court of common pleas, and the attorney general, shall, by virtue of their offices, be conservators of the peace throughout the state: and the treasurer, secretary, clerks of the supreme court, prothonotaries, registers, recorders, sheriffs, and coroners, shall, by virtue of their offices, be conservators thereof, within the counties respectively, in which they reside.

Sec. 2. The representative, and when there shall be more than one, the representatives, of the people of this state in congress, shall be voted for at the same places where representatives in the state legislature are voted for, and in the same manner.

Sec. 3. The state treasurer shall be appointed annually by the house of representatives, with the concurrence of the senate. No person, who hath served in the office of state treasurer, shall be eligible to a seat in either house of the legislature until he shall have made a final settlement of his accounts as treasurer, and discharged the balance, if any thereon due.

Sec. 4. Two persons for the office of sheriff, and two for the office of coroner, shall be chosen by the citizens residing in each county, and having right to vote for representatives, at the time and places of election of representatives, one of whom for each office, respectively, shall be appointed by the governor. They shall hold their offices for three years, if so long they shall behave themselves well, and until successors be duly qualified; but no person shall be twice appointed sheriff upon election by the citizens, in any term of six years. The governor shall fill vacancies in these offices by new appointments to continue unto the next general election, and until successors shall be chosen and duly qualified. The legislature, two-thirds of each branch concurring, may, when it shall be judged expedient, vest the appointment of sheriffs and coroners in the governor; but no person shall be twice appointed sheriff in any term of six years.

Sec. 5. The attorney general, clerks of the supreme court, prothonotaries, registers, clerks of the orphans' courts and of the peace, shall respectively be commissioned for five years, if so long they shall behave themselves well; but may be removed by the governor within that time, on conviction of misbehavior in office, or on the address of both houses of the legislature. Prothonotaries, clerks of the supreme court, of the orphans' courts, registers, recorders, and sheriffs, shall keep their offices in the town or place in

in each county, in which the supreme court and the court of common pleas are usually held.

Sec. 6. Attornies at law, all inferior officers in the treasury department, election officers, officers relating to taxes, to the poor and to the highways, constables and hundred officers, shall be appointed in such manner as is or may be directed by law.

Sec. 7. All salaries and fees annexed to offices shall be moderate; and no officer shall receive any fees whatever, without giving to the person who pays, a receipt for them, if required, therein specifying every particular, and the charge for it.

Sec. 8. No costs shall be paid by a person accused, on a bill being returned ignoramus; nor on acquittal by a jury, unless a majority of the judges present at the trial, certify, that there was probable cause for the prosecution.

Sec. 9. The rights, privileges, immunities and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered. No clergyman or preacher of the gospel, of any denomination, shall be capable of holding any civil office in this state, or of being a member of either branch of the legislature, while he continues in the exercise of the pastoral or clerical functions.

Sec. 10. All the laws of this state existing at the time of making this constitution, and not inconsistent with it, shall remain in force, unless they shall be altered by future laws; and all actions and prosecutions now pending, shall proceed as if this constitution had not been made.

Sec. 11. This constitution shall be prefixed to every edition of the laws made by direction of the legislature.

Sec. 12. The legislature shall, as soon as conveniently may be, provide by law, for ascertaining what statutes, and parts of statutes, shall continue to be in force within this state; for reducing them, and all acts of the general assembly into such order, and publishing them in such manner, that thereby the knowledge of them may be generally diffused; for choosing inspectors and judges of elections, and regulating the same, in such manner, as shall most effectually guard the rights of the citizens entitled to vote; for better securing personal liberty, and easily and speedily redressing all wrongful restraints thereof; for more certainly obtaining returns of impartial juries; for dividing lands and tenements in sales by sheriffs, where they will bear a division, into as many parcels as may be without spoiling the whole, and for advertising and making the sales in such manner, and at such times and places, as may render them most beneficial to all persons concerned; and for establishing schools, and promoting arts and sciences.

ARTICLE IX.

Members of the general assembly, and all officers executive and judicial, shall be bound by oath or affirmation, to support the constitution of this state, and to perform the duties of their respective offices with fidelity.

ARTICLE X.

The general assembly, whenever two-thirds of each house shall deem it necessary, may, with the approbation of the governor, propose amendments to this constitution, and at least three, and

not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people; and if three fourths of each branch of the legislature shall after such an election, and before another, ratify the same amendments, they shall be valid to all intents and purposes, as parts of this constitution. No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known, will be for them at a general election of representatives, to vote also by ballot *for* or *against* a convention, as they shall severally choose to do; and if thereupon, it shall appear that a majority of all the citizens in the state having right to vote for representatives, have voted for a convention, the general assembly shall accordingly at their next sessions, call a convention, to consist at least of as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are, by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected.

SCHEDULE.

That no inconveniences may arise from the alterations of the constitution of this state, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That the president, or in case of his death, inability, or absence from the state, the speaker of the legislative council at that time, and in case of his death, inability, or absence from the state, the speaker of the house of assembly, at that time, shall respectively, with the privy council, exercise the executive authority of this state, until the third Tuesday in January next. If the death, inability, or absence of the president, shall happen after the first Tuesday of next October, and before the first Tuesday in next January, then the executive authority shall devolve upon the person who was speaker of the council at the next preceding session of the general assembly; and in case of his death, inability or absence, upon the person who was speaker of the house of assembly at the said next preceding session.

Sec. 2. That all persons holding offices to which under this constitution, appointments are to be made by the governor, shall continue in the exercise of the duties of their respective offices, until the first Tuesday of October, one thousand seven hundred and ninety-three, unless their commissions shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor.

Sec. 3. That justice shall be administered in the several counties of this state, until the period last mentioned, by the same justices, in the same courts, and in the same manner, as heretofore.

Sec. 4. That the sheriffs elected at October next shall hold their respective commissions two years, and no longer, from that time, or until new sheriffs are elected and appointed; and such persons shall not be again eligible until the expiration of three years after their commissions cease.

Sec. 5. That the elections of governor, senators, and representatives, shall be conducted by the same persons, and in the same manner, as is prescribed by the election laws of this state, concerning the election of members of the council and of the house of assembly; and the returns thereof shall be made respectively to the person exercising the executive authority, to the senate and to the house of representatives.

Sec. 6. The first meeting of the legislature under this constitution shall be at the town of Dover.

Done in convention, the twelfth day of June, in the year of our Lord one thousand seven hundred and ninety-two, and of the independence of the United States of America, the sixteenth. In testimony whereof, we have hereunto subscribed our names. THOMAS MONTGOMERY, *President.*

John Dickinson,	George Monroe
Robert Armstrong,	James Morris,
Edward Roche,	Richard Bassett,
William Johnson,	Benjamin Dill,
Robert Haughey,	Henry Molliston,
Andrew Barratt,	Manlove Emerson,
Isaac Cooper,	George Mitchell,
Robert Coram,	John W. Batson,
Kensey Johns,	Rhoads Shankland,
Nicholas Ridgely,	Isaac Beauchamp,
John Clayton,	Daniel Polk.
Thomas White,	

(Attest) JAMES BOOTH, *Secretary.*

AMENDMENT.

The following section was adopted, on the 22d of January, and 5th of February, 1802, in lieu of the 15th section of the 5th article of the constitution:

Sec. 15. The chancellor shall compose the orphans' court of each county, and exercise the equity jurisdiction heretofore exercised by the orphans' court, except as to the adjusting and settling executors, administrators and guardians accounts, in which cases he shall have an appellate jurisdiction from the sentence and decree of the register: This court may issue process throughout the state to compel the attendance of witnesses. Appeals may be made from the orphans' court, in cases where that court has original jurisdiction, to the supreme court, whose decision shall be final.

Constitution of Maryland.

[*Note.*—Such parts of the original Constitution, or the Amendments thereto, as have been altered or abolished, are printed in *italics.*]

The Declaration of Rights, and the Constitution and Form of Government of the state of Maryland.

THE DECLARATION OF RIGHTS.

The parliament of Great Britain by a declaratory act, having assumed a right to make laws to bind the colonies in all cases what-

soever, and in pursuance of such claim, endeavored, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people;—Therefore, we the delegates of Maryland, in free and full convention assembled, taking into our most serious consideration, the best means of establishing a good constitution in this state, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes, as existed at the time of their first emigration, and which, by experience, have been found applicable to their local and other circumstances, and of such others as have been since made in England, or Great Britain, and have been introduced, used and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights—subject, nevertheless, to the revision of, and amendment or repeal by the legislature of this state: and the inhabitants of Maryland are also entitled to all property, derived to them from or under the charter granted by his majesty Charles I. to Cæcilius Calvert, baron of Baltimore.

IV. That all persons invested with the legislative or executive powers of government, are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and the public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

V. That the right, in the people, to participate in the legislature, is the best security of liberty, and the foundation of all free government; for this purpose, elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

VI. That the legislative, executive, and judicial powers of government, ought to be forever separate and distinct from each other.

VII. That no power of suspending laws, or the execution of laws, unless by, or derived from the legislature, ought to be exercised or allowed.

VIII. That freedom of speech and debate, or proceedings in the legislature, ought not be impeached in any other court or judicature.

IX. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of public records; and the legislature ought not to be convened or held at any other place, but from evident necessity.

X. That, for redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.

XI. That every man hath a right to petition the legislature, for the redress of grievances, in a peaceable and orderly manner.

XII. That no aid, charge, tax, burthen, fee, or fees, ought to be set, rated, or levied under any pretence, without consent of the legislature.

XIII. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished: that paupers ought not to be assessed for the support of government; but every other person in the state ought to contribute his proportion of public taxes for the support of government, according to his actual worth, in real or personal property within the state; yet fines, duties or taxes, may properly and justly be imposed or laid, with a political view, for the good government and benefit of the community.

XIV. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law, to inflict cruel and unusual pains and penalties, ought to be made in any case, or at any time hereafter.

XV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no ex post facto law ought to be made.

XVI. That no law, to attaint particular persons of treason or felony, ought to made in any case, or at any time hereafter.

XVII. That every freeman, for any injury done him in his person or property ought to have remedy, by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

XVIII. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties, and estates of the people.

XIX. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment or charge in due time (if required) to prepare for his defence: to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him, on oath; and to a speedy trial by an impartial jury, without whose unanimous consent, he ought not to be found guilty.

XX. That no man ought to be compelled to give evidence against himself, in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

XXI. That no freeman ought to be taken, or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land.

XXII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

XXIII. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants, to search suspected places or to apprehend suspected persons, without naming or describing the place or the person in special—are illegal and ought not to be granted.

XXIV. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the state, and then only on conviction and attainder.

XXXV. That a well regulated militia is the proper and natural defence of a free government.

XXVI. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

XXVII. That in all cases and at all times, the military ought to be under strict subordination to, and control of the civil power.

XXVIII. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war in such manner only, as the legislature shall direct.

XXIX. That no person, except regular soldiers, mariners, and marines in the service of this state, or militia when in actual service ought in any case to be subject to or punishable by martial law.

XXX. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the chancellor and judges ought to hold commissions during good behavior; and the said chancellor and judges shall be removed for misbehavior, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly; provided that two-thirds of all the members of each house concur in such address. That salaries, liberal but not profuse, ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner, and at such times, as the legislature shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

XXXI. That a long continuance in the first executive department of power, or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

XXXII. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust, to receive any present from any foreign prince or state, or from the U. States, or any of them, without the approbation of this state.

XXXIII. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion, are equally entitled to protection in their religious liberty; wherefore no person ought by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under color of religion, any man shall disturb the good order, peace, or safety of the state, or shall infringe the laws of morality, or injure others in their natural, civil, or religious rights: nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry; *yet the legislature may, in their discretion, lay a general and equal tax, for the support of the christian religion; leaving to each individual the power of appointing the payment over of the money, collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county:* but the churches, chapels, glebes, and all other property, now belonging to the church of England, ought to remain to the church of England forever. And all acts of assembly lately passed, for collecting monies for building or repairing particular churches or chapels of ease, shall continue in force, and be executed, unless the legislature shall, by act supersede or repeal the same: but no county court shall assess any quantity of tobacco, or sum of money, hereafter, on the application of any vestry-men or church wardens; and every incumbent of the church of England, who hath remained in his parish, and performed his duty, shall be entitled to receive the provision and support established by the act entitled "An act for the support of the clergy of the church of England in this province," till the November court of this present year, to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish, and performed his duty.

XXXIV. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order, or denomination, or to or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit, and also every devise of goods or chattels to or for the support, use, or benefit of any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order, or denomination, without the leave of the legislature, shall be void, except always any sale, gift, lease, or devise of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose, or such sale, gift, lease, or devise, shall be void.

XXXV. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

XXXVI. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being; and that the people called Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation

in the manner that Quakers have been heretofore allowed to affirm; and to be of the same avail as an oath in all such cases as the affirmation of Quakers hath been allowed and accepted within the state instead of an oath. And further, on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded; and Quakers, Dunkers, or Menonists, ought also, on their solemn affirmation aforesaid, to be admitted as witnesses in all criminal cases *not capital*.

XXXVII. That the city of Annapolis ought to have all its rights, privileges, and benefits agreeable to its charter and the acts of assembly confirming and regulating the same, subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

XXXVIII. That the liberty of the press ought to be inviolably preserved.

XXXIX. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

XL. That no title of nobility or hereditary honors ought to be granted in this state.

XLI. That the subsisting resolves of this and the several conventions held for this colony, ought to be in force as laws, unless altered by this convention or the legislature of this state.

XLII. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed or abolished by the legislature of this state, but in such manner as this convention shall prescribe and direct.

This declaration of rights was assented to and passed in convention of the delegates of the freemen of Maryland, begun and held at Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

MAT. TILGHMAN, President.

THE CONSTITUTION AND FORM OF GOVERNMENT.

I. That the legislature consist of two distinct branches, a senate and house of delegates, which shall be styled, The General Assembly of Maryland.

II. That the house of delegates shall be chosen in the following manner: All freemen *above twenty-one years of age, having a freehold of fifty acres of land in the county in which they offer to vote, and residing therein, and all freemen having property in this state above the value of thirty pounds current money, and having resided in the county in which they offer to vote, one whole year next preceding the election, shall have a right of suffrage in the election of delegates for such county; and all freemen so* qualified, shall, on the first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year thereafter, assemble in the counties, in which they are respectively qualified to vote, *at the court-houses in the said counties, or at such other place as the legislature shall direct;* and when assembled, they shall proceed to elect, *viva voce*, four delegates for their respective counties, of the most wise, sensible, and discreet of the people, residents in the county

where they are to be chosen, one whole year next preceding the election, above twenty-one years of age, *and having in the state real or personal property above the value of five hundred pounds current money;* and upon the final casting of the polls, the four persons who shall appear to have the greatest number of legal votes shall be declared and returned duly elected for their respective county.

III. *That the sheriff of each county, or, in case of sickness, his deputy, (summoning two justices of the county, who are required to attend for the preservation of the peace) shall be judge of the election, and may adjourn from day to day, if necessary, till the same be finished, so that the whole election shall be concluded in four days; and shall make his return thereof, under his hand, to the chancellor of this state for the time being.*

IV. That all persons, qualified by the charter of the city of Annapolis, to vote for burgesses, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, elect, *viva voce*, by a majority of votes, two delegates, qualified agreeable to the said charter; *that the mayor, recorder, and aldermen of the said city, or any three of them, be judges of the election, appoint the place in the said city for holding the same, and may adjourn from day to day, as aforesaid; and shall make return thereof as aforesaid; but the inhabitants of the said city shall not be entitled to vote for delegates for Anne-Arundel county, unless they have a freehold of fifty acres of land in the county, distinct from the city.*

V. That all persons inhabitants of Baltimore town, and having the same qualification as electors in the county, shall, on the same first Monday of October, seventeen hundred and seventy-seven, and on the same day in every year forever thereafter, *at such place in the said town, as the judges shall appoint*, elect *viva voce*, by a majority of votes, two delegates, *qualified as aforesaid;* but if the said inhabitants of the town shall so decrease, as that the number of persons, having right of suffrage therein, shall have been, for the space of seven years successively, less than one half the number of voters in some one county in this state, such town shall thenceforward cease to send two delegates or representatives to the house of delegates, until the said town shall have one half of the number of voters in some one county in this state.

VI. That *the commissioners of the said town, or any three or more of them, for the time being, shall be judges of the said election, and may adjourn as aforesaid, and shall make return thereof as aforesaid; but* the inhabitants of the said town shall not be entitled to vote for, or be elected delegates for Baltimore county: neither shall the inhabitants of Baltimore county, out of the limits of Baltimore town, be entitled to vote for, or be elected, delegates for the said town.

VII. That on refusal, death, disqualification, resignation, or removal out of this state, of any delegate, or on his becoming governor, or member of the council, a warrant of election shall issue by the speaker, for the election of another in his place; of which ten days notice at the least (excluding the day of notice and the day of election) shall be given.

VIII. That not less than a majority of the delegates, with their speaker (to be chosen by them by ballot) constitute a house for the transaction of any business, other than that of adjourning.

IX. That the house of delegates shall judge of the elections and qualifications of delegates.

X. That the house of delegates may originate all money bills, propose bills to the senate, or receive those offered by that body, and assent, dissent, or propose amendments; that they may inquire, on the oath of witnesses, into all complaints, grievances, and offences, as the grand inquest of this state, and may commit any person, for any crime, to the public jail, there to remain till he be discharged by due course of law. They may expel any member for a great misdemeanor, but not a second time for the same cause. They may examine and pass all accounts of the state, relating either to the collection or expenditure of the revenue, or appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their enquiries, concerning affairs relating to the public interest; and may direct all office bonds (which shall be made payable to the state) to be sued for any breach of duty.

XI. That the senate may be at full and perfect liberty to exercise their judgment in passing laws; and that they may not be compelled by the house of delegates, either to reject a money bill, which the emergency of affairs may require, or to assent to some other act of legislation, in their conscience and judgment, injurious to the public welfare—the house of delegates shall not, on any occasion, or under any pretence, annex to, or blend with a money bill, any matter, clause or thing, not immediately relating to, and necessary for the imposing, assessing, levying, or applying the taxes or supplies to be raised for the support of government, or the current expences of the state; and to prevent altercation about such bills, it is declared, that no bill, imposing duties or customs for the mere regulation of commerce, or inflicting fines for the reformation of morals, or to enforce the execution of the laws, by which an incidental revenue may arise, shall be accounted a money bill; but every bill assessing, levying or applying taxes or supplies for the support of government or the current expenses of the state, or appropriating money in the treasury, shall be deemed a money bill.

XII. That the house of delegates may punish, by imprisonment, any person, who shall be guilty of a contempt in their view by any disorderly or riotous behaviour, or by threats to, or abuse of their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from the house of delegates, or by any assault of, or obstruction to their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or on their way to, or from the house, or by rescuing any person committed by the house: and the senate may exercise the same power, in similar cases.

XIII. That the treasurers (one for the western, and another for the eastern shore) and the commissioners of the loan office, may be appointed by the house of delegates, during their pleasure; and in case of refusal, death, resignation, disqualification, or removal out of the state, of any of the said commissioners or treasurers, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the meeting of the next general assembly.

XIV. That the senate be chosen in the following manner: all persons, qualified *as aforesaid*, to vote for county delegates, shall on the first Monday of September 1781, and on the same day in every fifth year, forever thereafter, elect, *viva voce*, by a majority of votes, two persons for their respective counties (qualified *as aforesaid*, to be elected county delegates) to be electors of the senate: *and the sheriff of each county, or, in case of sickness, his deputy (summoning two justices of the county, who are required to attend, for the preservation of peace) shall hold and be judge of the said election, and make return thereof, as aforesaid.* And all persons qualified *as aforesaid*, to vote for delegates for the city of Annapolis and Baltimore town, shall, on the same first Monday of September, 1781, and on the same day in every fifth year forever thereafter, elect, *viva voce*, by a majority of votes, one person for the said city and town respectively, qualified *as aforesaid*, to be elected a delegate for the said city and town respectively: the said election to be held in the same manner, as the election of delegates for the said city and town; the right to elect the said elector, with respect to Baltimore town, to continue as long as the right to elect delegates for the said town.

XV. That the said electors of the senate meet at the city of Annapolis, or such other place as shall be appointed for convening the legislature, on the third Monday in September, 1781, and on the same day in every fifth year forever thereafter, and they, or any twenty-four of them so met, shall proceed to elect, by ballot, either out of their own body, or the people at large, fifteen senators (nine of whom to be residents on the western, and six to be residents on the eastern shore) men of the most wisdom, experience and virtue, above twenty-five years of age, residents of the state above three whole years next preceding the election, *and having therein real and personal property, above the value of one thousand pounds current money.*

XVI. That the senators shall be balloted for, at one and the same time, and out of the gentlemen residents of the western shore, who shall be proposed as senators, the nine who shall, on striking the ballots, appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and out of the gentlemen, residents of the eastern shore, who shall be proposed as senators, the six who shall, on striking the ballots, appear to have the greatest numbers in their favor, shall be accordingly declared and returned duly elected; and if two or more on the same shore, shall have an equal number of ballots, in their favor, by which the choice shall not be determined on the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who on the first ballot shall have had an equal number, and they who

shall have the greatest number in their favor on the second ballot, shall be accordingly declared and returned duly elected; and if the whole number should not thus be made up, because of an equal number on the second ballot still being in favor of two or more persons, then the election shall be determined by lot between those who have equal numbers: which proceedings of the electors shall be certified under their hands, and returned to the chancellor for the time being.

XVII. That the electors of senators shall judge of the qualifications and elections of members of their body; and on a contested election, shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favor.

XVIII. That the electors, immediately on their meeting, and before they proceed to the election of senators, take such oath of support and fidelity to this state, as this convention or the legislature shall direct, and also an oath "to elect without favor, affection, partiality, or prejudice, such persons for senators, as they in their judgment and conscience believe best qualified for the office."

XIX. That in case of refusal, death, resignation, disqualification, or removal out of this state of any senator, or on his becoming governor, or a member of the council, the senate shall, immediately thereupon, or at their next meeting thereafter, elect by ballot, (in the same manner as the electors are above directed to choose senators) another person in his place, for the residue of the said term of five years.

XX. That not less than a majority of the senate, with their president, (to be chosen by them by ballot,) shall constitute a house for the transacting any business, other than that of adjourning.

XXI. That the senate shall judge of the elections and qualification of senators.

XXII. That the senate may originate any other, except money bills, to which their assent or dissent only shall be given: and may receive any other bills from the house of delegates, and assent, dissent, or propose amendments.

XXIII. That the general assembly meet annually *on the first Monday of November*, and, if necessary, oftener.

XXIV. That each house shall appoint its own officers, and settle its own rules of proceeding.

XXV. That a person of wisdom, experience and virtue shall be chosen governor, *on the second Monday of November, seventeen hundred and seventy-seven, and on the second Monday in every year forever thereafter*, by the joint ballot of both houses (to be taken in each house, respectively) deposited in a conference room; the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; which mode of taking the joint ballot of both houses, shall be adopted in all cases. But if two or more shall have an equal number of ballots in their favor, by which the choice shall not be determined on the first ballot, then a second ballot shall be taken, which shall be confined to the persons who, on the first ballot, shall have had an equal number; and if the ballots should again

be equal between two or more persons, then the election of the governor shall be determined by lot between those who have equal numbers; and if the person chosen governor shall die, resign, remove out of the state, or refuse to act (sitting the general assembly,) the senate and house of delegates shall, immediately thereupon, proceed to a new choice, in manner aforesaid.

XXVI. That the senators and delegates, *on the second Tuesday of November, seventeen hundred and seventy-seven, and annually on the second Tuesday of November, forever thereafter*, elect by joint ballot (in the same manner, as senators are directed to be chosen) five of the most sensible, discreet, and experienced men, above twenty-five years of age, residents in the state above three years next preceding the election, *and having therein a freehold of lands and tenements, above the value of one thousand pounds current money*, to be the council to the governor, whose proceedings shall be always entered on record, to any part whereof any member may enter his dissent; and their advice, if so required by the governor, or any member of the council, shall be given in writing, and signed by the members giving the same respectively; which proceedings of the council shall be laid before the senate or house of delegates, when called for by them or either of them. The council may appoint their own clerk, who shall take such oath of support and fidelity to this state, as this convention, or the legislature, shall direct; and of secrecy, in such matters, as he shall be directed by the board to keep secret.

XXVII. *That the delegates to congress, from this state, shall be chosen annually, or superceded in the mean time, by the joint ballot of both houses of assembly; and that there be a rotation in such manner, that at least two of the number be annually changed; and no person shall be capable of being a delegate to congress for more than three in any term of six years; and no person, who holds any office of profit in the gift of congress, shall be eligible to sit in congress; but if appointed to any such office, his seat shall be thereby vacated. That no person, unless above twenty-five years of age, and a resident in the state more than five years next preceding the election, and having real and personal estate in this state above the value of one thousand pounds current money, shall be eligible to sit in congress.*

XXVIII. That the senators and delegates, immediately on their annual meeting, and before they proceed to any business, and every person hereafter elected a senator or delegate, before he acts as such—shall take an oath of support and fidelity to this state, as aforesaid; and before the election of a governor, or members of the council, shall take an oath "to elect without favor, affection, partiality, or prejudice, such person as governor, or member of the council, as they in their judgment and conscience, believe best qualified for the office."

XXIX. That the senate and delegates may adjourn themselves respectively; but if the two houses should not agree on the same time, but adjourn to different days, then shall the governor appoint and notify one of those days, or some day between; and the assembly shall then meet and be held accordingly: and he shall, if necessary, by advice of the council, call them before the time, to which they shall in any manner be adjourned, on giving

not less than ten days notice thereof: but the governor shall not adjourn the assembly, otherwise than as aforesaid, nor prorogue or dissolve it at any time.

XXX. That no person, unless above twenty-five years of age, a resident in this state above five years next preceding the election *—and having in the state real and personal property, above the value of five thousand pounds current money (one thousand pounds whereof, at least, to be of freehold estate)* shall be eligible as governor.

XXXI. That the governor shall not continue in that office longer than three years successively, nor be eligible as governor, until the expiration of four years, after he shall have been out of that office.

XXXII. That upon the death, resignation, or removal out of this state, of the governor, the first named of the council, for the time being, shall act as governor, and qualify in the same manner, *and shall immediately call a meeting of* the general assembly *giving not less than fourteen days notice of the meeting, at which* meeting, a governor shall be appointed, in manner aforesaid, for the residue of the year.

XXXIII. That the governor, by and with the advice and consent of the council, may embody the militia; and when embodied, shall alone have the direction thereof; and shall also have the direction of all the regular land and sea forces, under the laws of this state, (but he shall not command in person, unless advised thereto by the council, and then only so long as they shall approve thereof;) and may alone exercise all other the executive powers of government, where the concurrence of the council is not required, according to the laws of this state, and grant reprieves or pardons for any crime, except in such cases where the law shall otherwise direct: *and may, during the recess of the general assembly, lay embargoes, to prevent the departure of any shipping, or the exportation of any commodities, for any time not exceeding thirty days in any one year—summoning the general assembly to meet within the time of the continuance of such embargo;* and may also order and compel any vessel to ride quarantine, if such vessel, or the port from which she shall have come, shall, on strong grounds, be suspected to be infected with the plague; but the governor shall not under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England or Great Britain.

XXXIV. That the members of the council, or any three or more of them, when convened, shall constitute a board, for the transacting of business; that the governor, for the time being, shall preside in the council, and be entitled to a vote, on all questions, in which they shall be divided in opinion: and in the absence of the governor, the first named of the council shall preside; and, as such, shall also vote in all cases, where the other members disagree in their opinion.

XXXV. That, in case of refusal, death, resignation, disqualification, or removal out of the state, by any person chosen a member of the council, the members thereof, immediately thereupon, or at their next meeting thereafter, shall elect by ballot, another person (qualified *as aforesaid*) in his place, for the residue of the year.

XXXVI. That the council shall have power to make the great seal of this state, which shall be kept by the chancellor for the time being, and affixed to all laws, commissions, grants, and other public testimonials, as has been heretofore practised in this state.

XXXVII. That no senator, delegate of the assembly, or member of the council, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office exercised by any other person, during the time, for which he shall be elected; nor shall any governor be capable of holding any other office of profit in this state, while he acts as such—and no person, holding a place of profit, or receiving any part of the profits thereof, or receiving the profits arising on any agency, for the supply of cloathing or provisions for the army or navy, or holding any office under the United States, or any of them—or a minister, or preacher of the gospel, of any denomination—or, any person employed in the regular land service, or marine of this, or the United States—shall have a seat in the general assembly, or in the council of this state.

XXXVIII. That every governor, senator, delegate to *congress*, or assembly, and member of the council, before he acts as such, shall take an oath, "that he will not receive, directly or indirectly, at any time, any part of the profits of any office, held by any other person, during his acting in his office of governor, senator, delegate to *congress or* assembly, or member of the council, or the profits, or any part of the profits, arising on any agency, for the supply of cloathing or provisions for the army or navy."

XXXIX. That if any senator, delegate to *congress or* assembly, or member of the council, shall hold or execute any office of profit, or receive directly or indirectly, at any time, the profits, or any part of the profits, of any office exercised by any other person, during his acting as senator, delegate to *congress or* assembly, or member of the council—his seat (on conviction, in a court of law, by the oath of two credible witnesses) shall be void; and he shall suffer the punishment for wilful and corrupt perjury, or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

XL. That the chancellor, *all judges*, the attorney-general, *clerks of the general court*, the clerks of the county courts, the registers of the land office, and the registers of wills, shall hold their commissions during good behaviour, removable only for misbehaviour, on conviction in a court of law.

XLI. That there be a register of wills appointed for each county, who shall be commissioned by the governor, on the joint recommendation of the senate and house of delegates; and that upon the death, resignation, disqualification, or removal out of the county, by any register of wills, in the recess of the general assembly, the governor, with the advice of the council, may appoint and commission, a fit and proper person to such vacant office, to hold the same until the meeting of the general assembly.

XLII. That sheriffs shall be elected in each county, by ballot, every third year; that is to say, two persons for the office of sheriff for each county, the one of whom having the majority of votes, or if both have an equal number, either of them, at the discretion of the governor, to be commissioned by the governor, for the said office; and having served for three years, such person shall be in-

eligible for the four years next succeeding; bond with security to be taken every year as usual; and no sheriff shall be qualified to act before the same is given. In case of death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the three years, the other person, chosen as aforesaid, shall be commissioned by the governor, to execute the said office, for the residue of the said three years, the said person giving bond with security as aforesaid; and in case of his death, refusal, resignation, disqualification, or removal out of the county, before the expiration of the said three years, the governor, with the advice of the council, may nominate and commission a fit and proper person, to execute the said office for the residue of the said three years, the said person giving bond and security as aforesaid. The election shall be held at the same time and place, appointed for the election of delegates; *and the justices there summoned to attend for the preservation of the peace, shall be judges thereof, and of the qualification of candidates, who shall appoint a clerk to take the ballots. All freemen, above the age of twenty-one years, having a freehold of fifty acres of land in the county in which they offer to ballot, and residing therein—and all freemen above the age of twenty-one years, and having property in the state above the value of thirty pounds current money, and having resided in the county in which they offer to ballot, one whole year next preceding the election—shall have a right of suffrage.* No person to be eligible to the office of sheriff for a county, but an inhabitant of the said county, above the age of twenty-one years, *and having real and personal property in the state, above the value of one thousand pounds current money.* The justices *aforesaid*, shall examine the ballots; and the two candidates properly qualified, having in each county the majority of legal ballots, shall be declared duly elected for the office of sheriff for such county, and returned to the governor and council, with a certificate of the number of ballots for each of them.

XLIII. That every person, who shall offer to vote for delegates, or for the electors of the senate, or for the sheriff, shall, (if required by any three persons qualified to vote) before he be admitted to poll, take such oath or affirmation of support and fidelity to this state, as this convention, or the legislature shall direct.

XLIV. That a justice of the peace may be eligible as a senator, delegate, or member of the council, and may continue to act as a justice of the peace.

XLV. *That no field officer of the militia shall be eligible as a senator, delegate, or member of the council.*

XLVI. That all civil officers, hereafter to be appointed for the several counties of this state, shall have been residents of the county respectively, for which they shall be appointed, six months next before their appointment; and shall continue residents of their county, respectively, during their continuance in office.

XLVII. That the judges of *the general court and justices of* the county courts, may appoint the clerks of their respective courts; *and in case of refusal, death, resignation, disqualification or removal out of the estate, or from their respective shores, of the clerks of the general court, or either of them, in the vacation of the said court*—and in case of refusal, death, resignation, disqualification, or removal out of the county, of any of the said county clerks, in the vacation of the

county court, of which he is clerk—the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office respectively, to hold the same until the meeting of the next *general court, or* county court, as the case may be.

XLVIII. That the governor for the time being, with the advice and consent of the council, may appoint the chancellor, and all judges and justices, the attorney-general, *naval officers*, officers in the regular land and sea service, officers of the militia, registers of the land-office, surveyors, and all other civil officers of government (assessors, constables, and overseers of the roads only excepted) and may also suspend or remove any civil officer, who has not a commission, during good behaviour; and may suspend any militia officer for one month; and may also suspend or remove any regular officer in the land or sea service: and the governor may remove or suspend any militia officer, in pursuance of the judgment of a court martial.

XLIX. That all civil officers of the appointment of the governor and council, who do not hold commissions during good behaviour, shall be appointed annually *in the third week of November.* But if any of them shall be re-appointed, they may continue to act without any new commission or qualification; and every officer, though not re-appointed, shall continue to act until the person who shall be appointed and commissioned in his stead, shall be qualified.

L. That the governor, every member of the council, and every judge and justice, before they act as such, shall respectively take an oath "that he will not through favor, affection, or partiality, vote for any person to office, and that he will vote for such person, as in his judgment and conscience, he believes most fit and best qualified for the office: and that he has not made, nor will make, any promise or engagement, to give his vote or interest in favor of any person."

LI. That there be two registers of the land office, one upon the western, and one upon the eastern shore, that short extracts of the grants and certificates of the land, on the western and eastern shores, respectively, be made in separate books, at the public expense, and deposited in the offices of the said registers, in such manner, as shall hereafter be provided by the general assembly.

LII. That every chancellor, judge, register of wills, commissioner of the loan office, attorney-general, sheriff, treasurer, *naval officer*, register of the land office, register of the chancery court, and every clerk of the common law courts, surveyor, and auditor of the public accounts, before he acts as such, shall take an oath, "that he will not directly or indirectly receive any fee or reward for doing his office of but what is, or shall be allowed by law: nor will, directly or indirectly receive the profits or any part of the profits of any office, held by any other person: and that he does not hold the same office in trust, or for the benefit of any other person."

LIII. That if any governor, chancellor, judge, register of wills, attorney-general, register of the land office, commissioners of the loan office, register of the chancery court, or any clerk of the common law courts, treasurer, *naval officer*, sheriff, surveyor, or auditor of public accounts, shall receive directly or indirectly at any

tice, the profits or any part of the profits of any office held by any other person, during his acting in the office to which he is appointed, his election, appointment and commission (on conviction in a court of Law, by the oath of two credible witnesses) shall be void, and he shall suffer the punishment for wilful and corrupt perjury or be banished this state forever, or disqualified forever from holding any office or place of trust or profit, as the court may adjudge.

LIV. That if any person shall give any bribe, present, or reward, or any promise, or any security for the payment or delivery of any money, or any other thing, to obtain or procure a vote, to be governor, senator, delegate to *congress*, or assembly, member of the council or judge, or to be appointed to any one of the said offices, or to any office of profit or trust now created, or hereafter to be created in this state—the person giving, and the person receiving the same (on conviction in a court of law) shall be forever disqualified to hold any office of trust or profit in this state.

LV. That every person, appointed to any office of profit or trust, shall before he enters on the execution thereof, take the following oath, to wit, "I, A. B. do swear, That I do not hold myself bound in allegiance to the king of Great Britain, and that I will be faithful, and bear true allegiance to the state of Maryland," and shall also subscribe a declaration of his belief in the Christian religion.

LVI. That there be a court of appeals, composed of persons of integrity and sound judgment in the law, whose judgment shall be final and conclusive, in all cases of appeal *from the general court, court of chancery, and court of admiralty*; that one person of integrity and sound judgment in the law, be appointed chancellor; *that three persons of integrity and sound judgment in the law, be appointed judges of the court now called the provincial court: and that the same court be hereafter called and known by the name of the general court: which court shall sit on the western and eastern shores, for transacting and determining the business of the respective shores, at such times and places, as the future legislature of this state shall direct and appoint.*

LVII. That the style of all laws run thus: "Be it enacted by the general assembly of Maryland." That all public commissions and grants run thus: "The state of Maryland," &c. and shall be signed by the governor, and attested by the chancellor, with the seal of the state annexed—except military and militia commissions, which shall not be attested by the chancellor, or have the seal of the state annexed; that all writs shall run in the same style, and be tested, sealed, and signed as usual. That all indictments shall conclude, "against the peace, government and dignity of the state."

LVIII. That all penalties and forfeitures, heretofore going to the king or proprietary, shall go to the state—save only such as the general assembly may abolish or otherwise provide for.

LIX. That this form of government, and the declaration of rights, and no part thereof, shall be altered, changed, or abolished, unless a bill so to alter, change, or abolish the same, shall pass the general assembly, and be published at least three months before a new election, and shall be confirmed by the general assembly, after a new election of delegates, in the first session after such new election; provided, that nothing in this form of government, which relates to the eastern shore, particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof, at least two thirds of all the members of each branch of the general assembly shall concur.

LX. That every bill, passed by the general assembly, when engrossed, shall be presented by the speaker of the house of delegates, in the senate, to the governor for the time being, who shall sign the same, and thereto affix the great seal, in the presence of the members of both houses: every law shall be recorded *in the general court office of the western shore*, and in due time printed, published, and certified under the great seal to the several county courts, in the same manner as hath been heretofore used in this state.

This form of government was assented to, and passed in convention of the delegates of the freemen of Maryland, begun and held at the city of Annapolis, the 14th day of August, A. D. 1776.

By order of the Convention,

M. TILGHMAN, President.

AMENDMENTS

TO THE CONSTITUTION OF MARYLAND.

I. Be it enacted by the general assembly of Maryland, *That all those parts of the constitution and form of government that prevent a citizen, conscientiously scrupulous of taking an oath in any case, and who are permitted by the constitution to affirm in certain cases, from taking a seat in the legislature, or from being an elector of the senate, without taking an oath of support to this government, shall be, and hereby are repealed, abrogated, and made null and void; and hereafter a solemn affirmation or declaration of support to this government, may be taken, and shall be received instead of an oath, by any citizen chosen a delegate or elector of the senate, conscientiously scrupulous of taking an oath in any case, and who is permitted by the constitution to affirm in certain cases.*—Passed November, 1783, ch. 42—confirmed 1789, ch. 1.

II. That no member of congress, or person holding an office of trust or profit under the United States, shall be capable of having a seat in the general assembly, or being an elector of the senate, or holding any office of trust or profit under this state; and if any member of the general assembly, elector of the senate, or person holding an office of trust or profit under this state, shall take his seat in congress, or accept of an office of trust or profit under the United States, or being elected to congress, or appointed to an office of trust or profit under the United States, not make his resignation of his seat in congress, or of his office, as the case may be, within thirty days after notice of his election, or appointment to office as aforesaid, his seat in the legislature of this state, or as elector of the senate, or of his office held under this state as aforesaid, shall be void; Provided, that no person who is now, or may be at any time when this act becomes part of the constitution, a member both of congress and of the legislature of this state, or who now holds, or may hold at the time when this act becomes part of the constitution, an office as aforesaid, both under this state and the

United States, shall be affected by this act, if within fifteen days after the same shall become part of the constitution, he shall resign his seat in congress, or his office held under the United States.—Passed 1791, ch. 85—confirmed 1792, ch. 22.

III. That every person being a member of either of the religious sects or societies called Quakers, Menonists, Tunkers, or Nicolites, or new Quakers, and who shall be conscientiously scrupulous of taking an oath on any occasion, being otherwise qualified and duly elected a senator, delegate or elector of the senate, or being otherwise qualified and duly appointed or elected to any office of profit or trust, on making affirmation, instead of taking the several oaths appointed by the constitution and form of government, and the several acts of assembly of this state now in force, or that hereafter may be made, such person may hold and exercise any office of profit or trust to which he may be appointed or elected, and may, by such affirmation, qualify himself to take a seat in the legislature, and to act therein as a member of the same in all cases whatever, or to be an elector of the senate, in as full and ample a manner, to all intents and purposes whatever, as persons are now competent and qualified to act who are not conscientiously scrupulous of taking such oaths—Passed 1794, ch. 49, confirmed 1795, ch. 11.

IV. *That the mayor and second branch of the city council of the city of Baltimore, or any three or more of them, for the time being, shall be judges of the elections for delegates of the city of Baltimore, and for elector of the senate, and shall have and exercise all the rights and authorities respecting such elections which were vested in the commissioners of Baltimore-town, in virtue of the constitution and form of government.*—Passed 1797, ch. 57—confirmed 1798, ch. 2.

V. That the people called Quakers, those called Nicolites or new Quakers, those called Tunkers, and those called Menonists, holding it unlawful to take an oath on any occasion, shall be allowed to make their solemn affirmation as witnesses in the manner that Quakers have been heretofore allowed to affirm, which affirmation shall be of the same avail as an oath, to all intents and purposes whatever.

2. Before any of the persons aforesaid shall be admitted as a witness in any court of justice in this state, the court shall be satisfied, by such testimony as they may require, that such person is one of those who profess to be conscientiously scrupulous of taking an oath.—Passed 1797, ch. 114—confirmed 1798, ch. 33.

VI. That the several counties of this state, for the purpose of holding all future elections for delegates, electors of the senate, and sheriffs of the several counties, shall be divided into separate districts in the manner hereinafter directed, viz. Saint Mary's county, shall be divided and laid off into *three* separate districts; Kent county shall be divided and laid off into three separate districts; Calvert county shall be divided and laid off into three separate districts; Charles county shall be divided and laid off into four separate districts; Talbot county shall be divided and laid off into four separate districts; Somerset county shall be divided and laid off into three separate districts; Dorchester county shall be divided and laid off into three separate districts; Cecil county shall be divided and laid off into four separate districts; Prince George's county shall be divided and laid off into five separate districts; Queen Anne's county shall be divided and laid off into three separate districts; Worcester county shall be divided and laid off into five separate districts; Frederick county shall be divided and laid off into *seven* separate districts; Harford county shall be divided and laid off into five separate districts; Caroline county shall be divided and laid off into three separate districts; Washington county shall be divided and laid off into five separate districts; Montgomery county shall be divided and laid off into five seperate districts; Alleghany county shall be divided and laid off into six separate districts; Anne Arundel county, including the city of Annapolis, shall be divided and laid off into five separate districts; Baltimore county, out of the limits of the city of Baltimore, shall be divided and laid off into seven districts; and that the city of Baltimore shall be laid off into eight districts.

2. All and every part of the constitution and form of government, relating to the judges, time, place, and manner of holding elections in the city of Baltimore, and all and every part of the second, third, fifth, fourteenth and forty-second sections of the constitution and form of government of this state, which relate to the judges, place, time, and manner of holding the several elections for delegates, electors of the senate, and the sheriffs of the several counties, be and the same are hereby abrogated, repealed and annulled, and the same shall hereafter be regulated by law.—Passed 1798, ch. 115, confirmed 1799, ch. 48.

VII. *That every free white male citizen of this state, and no other, above 21 years of age, having resided twelve months in the county next preceding the election at which he offers to vote, and every free white male citizen of this state above 21 years of age, and having obtained a residence of twelve months next preceding the election in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for delegates to the general assembly, electors of the senate, and sheriffs*—Passed 1801, ch. 90, confirmed 1802, ch. 20.

VIII. That Frederick county shall be divided and laid off into nine separate districts.—Passed 1802, ch. 82, confirmed 1803, ch. 19.

IX. That this state shall be divided into six judicial districts, in manner and form following, to wit: Saint Mary's, Charles, and Prince George's counties, shall be the first district; Cecil, Kent, Queen Anne's and Talbot counties, shall be the second district; Calvert, Anne Arundel and Montgomery counties, shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district; Frederick, Washington and Alleghany counties, shall be the fifth district; Baltimore and Harford counties, shall be the sixth district; and there shall be appointed for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall, previous to, and during their acting as judges, reside in the district for which they shall respectively be appointed, one of whom shall be styled in the commission chief judge, and the other two associate judges of the district for which they shall be appointed; and the chief judge, together with the two associate

judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behavior, removable for misbehaviour on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold and exercise in the several counties of this state, all and every the powers, authorities, and jurisdictions which the county courts of this state now have, use, and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act, shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint, and the salaries of the said judges shall not be diminished during the period of their continuance in office.

2. In any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing, by either of the parties thereto, supported by affidavit, or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in said suit or action; and provided also, that such further remedy may be provided by law in the premises, as the legislature shall from time to time direct and enact.

3. If any party presented or indicted in any of the county courts of this state, shall suggest, in writing, to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided that such further and other remedy may be provided by law, in the premises, as the legislature may direct and enact.

4. If the attorney general, or the prosecutor for the state, shall suggest, in writing, to any county court before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein.

5. There shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeals shall hold, use and exercise, all and

singular the powers, authorities and jurisdictions, heretofore held, used and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint; and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behaviour, removable only for misbehaviour on conviction in a court of law; and in case of death, resignation, disqualification, or removal out of the state or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore—Passed 1804, ch. 55, confirmed 1805, ch. 16.

X. That Saint Mary's county shall be divided into four separate districts, and that the additional district shall be laid off adjoining and between the first and third districts, as they are now numbered—Passed 1805, ch. 29, confirmed 1807, ch. 8.

XI. That upon the death, resignation, or removal out of this state, of the governor, it shall not be necessary to call a meeting of the legislature to fill the vacancy occasioned thereby, but the first named of the council for the time being, shall qualify and act as governor, until the next meeting of the general assembly; at which meeting a governor shall be chosen in the manner heretofore appointed and directed.

2. No governor shall be capable of holding any other office of profit during the time for which he shall be elected.—Passed June 1809, ch. 16, confirmed November, 1809, ch. 11.

XII. That all such parts of the constitution and form of government, as require a property qualification in persons to be appointed or holding offices of profit or trust in this state, and in persons elected members of the legislature or electors of the senate, shall be, and the same are hereby repealed and abolished.—Passed November 1809, ch. 198, confirmed 1810, ch. 18.

XIII. That it shall not be lawful for the general assembly of this state to lay an equal and general tax, or any other tax, on the people of this state, for the support of any religion.—Passed November 1809, ch. [illegible], confirmed 1810, ch. 24.

XIV. That every free white male citizen of this state, above twenty-one years of age, and no other, having resided twelve months within this state, and six months in the county, or in the city of Annapolis or Baltimore, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote, by ballot, in the election of such county or city, or either of them, for

electors of the president and vice president of the United States, for representatives of this state in the congress of the United States, for delegates to the general assembly of this state, electors of the senate, and sheriffs.—Passed November 1809, ch. 83, confirmed 1810, ch. 33.

XV. That no person residing in the city of Annapolis, shall have a vote in the county of Anne-Arundel for delegates for the said county, and all and every part of the constitution which enables persons holding fifty acres of land to vote in said county, be and is hereby abolished.—Passed November 1809, ch. 38, confirmed 1810, ch. 49.

XVI. That the forty-fifth article of the constitution and form of government be, and the same is hereby repealed and utterly abolished.—Passed November 1809, ch. 65, confirmed 1810, ch. 78.

XVII. That the time of the meeting of the general assembly shall be on the first Monday in December in each year, instead of the first Monday in November, as *is now* prescribed by the constitution and form of government.

2. The governor of this state shall be chosen on the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government; and the council to the governor shall be elected on the first Tuesday after the second Monday of December, in each and every year, in the same manner as is now prescribed by the constitution and form of government.

3. All annual appointments of civil officers in this state, shall be made in the third week of December in every year, in the same manner as the constitution and form of government now directs. Passed 1811, ch. 211, confirmed November 1812, ch.

Constitution of Virginia.

The constitution, or form of government, agreed to and resolved upon by the delegates and representatives of the several counties and corporations of Virginia, in a general convention held at Williamsburgh, on the 6th of May, and continued by adjournments to the 5th of July, 1776.

WE, the delegates and representatives of the good people of Virginia, do declare the future form of government of Virginia, to be as followeth:—

The legislative, executive, and judiciary departments, shall be separate and distinct so that neither exercise the powers properly belonging to the other; nor shall any person exercise the powers of more than one of them at the same time, except that the justices of the county courts shall be eligible to either house of the assembly.

The legislative shall be formed of two distinct branches, who, together, shall be a complete legislature. They shall meet once, or oftener, every year, and shall be called *the general assembly of*

Virginia. One of these shall be called *the house of delegates*, and consist of two representatives, to be chosen for each county, and for the district of West-Augusta, annually, of such men as actually reside in, and are freeholders of the same, or duly qualified, according to law, and also of one delegate or representative, to be chosen annually for the city of Williamsburgh, and one for the borough of Norfolk, and a representative for each of such other cities and boroughs, as may hereafter be allowed particular representation by the legislature; but when any city or borough shall so decrease, as that the number of persons, having right of suffrage therein shall have been, for the space of seven years successively, less than half the number of voters in some one county in Virginia, such city or borough thenceforward shall cease to send a delegate or representative to the assembly.

The other shall be called *the senate*, and consist of twenty-four members, of whom thirteen shall constitute a house to proceed on business; for whose election, the different counties shall be divided into twenty-four districts; and each county of the respective district, at the time of the election, of its delegates, shall vote for one senator, who is actually a resident and freeholder within the district, or duly qualified according to law, and is upwards of twenty-five years of age; and the sheriffs of each county, within five days at farthest, after the last county election in the district, shall meet at some convenient place, and from the poll so taken in their respective counties, return as a senator, the man who shall have the greatest number of votes in the whole district. To keep up this assembly by rotation, the districts shall be equally divided into four classes and numbered by lot. At the end of one year, after the general election, the six members elected by the first division, shall be displaced, and the vacancies thereby occasioned, supplied *from* such classes or division, by new election, in the manner aforesaid. This rotation shall be applied to each division, according to its number, and continued in due order annually.

The right of suffrage in the election of members for both houses, shall remain as exercised at present; and each house shall choose its own speaker, appoint its own officers, settle its own rules of proceeding, and direct writs of election, for the supplying intermediate vacancies.

All laws shall originate in the house of delegates, to be approved of or rejected by the senate, or to be amended, with consent of the house of delegates; except money bills, which in no instance shall be altered by the senate, but wholly approved or rejected.

A governor, or chief magistrate, shall be chosen annually by joint ballot of both houses (to be taken in each house respectively) deposited in the conference room; the boxes examined jointly by a committee of each house, and the numbers severally reported to them, that the appointments may be entered (which shall be the mode of taking the joint ballot of both houses in all cases) who shall not continue in that office longer than three years successively, nor be eligible, until the expiration of four years after he shall have been out of that office. An adequate, but moderate salary, shall be settled on him, during his continuance in office; and he shall, with the advice of a council of state, exercise the executive powers of government, according to the laws of this common-

wealth; and shall not, under any pretence, exercise any power or prerogative, by virtue of any law, statute, or custom of England. But he shall, with the advice of the council of state, have the power of granting reprieves or pardons, except where the prosecution shall have been carried on by the house of delegates, or the law shall otherwise particularly direct; in which cases, no reprieve or pardon shall be granted, but by resolve of the house of delegates.

Either house of the general assembly may adjourn themselves respectively. The governor shall not prorogue or adjourn the assembly during their sitting, nor dissolve them at any time; but he shall, if necessary, either by advice of the council of state, or on application of a majority of the house of delegates, call them before the time to which they shall stand prorogued or adjourned.

A privy council, or council of state, consisting of eight members, shall be chosen by joint ballot of both houses of assembly, either from their own members or the people at large, to assist in the administration of government. They shall annually choose, out of their own members, a president, who, in case of death, inability, or absence of the governor from the government, shall act as lieutenant-governor. Four members shall be sufficient to act, and their advice and proceedings shall be entered on record, and signed by the members present (to any part whereof, any member may enter his dissent) to be laid before the general assembly, when called for by them. This council may appoint their own clerk, who shall have a salary settled by law, and take an oath of secrecy, in such matters as he shall be directed by the board to conceal. A sum of money, appropriated to that purpose, shall be divided annually among the members, in proportion to their attendance; and they shall be incapable, during their continuance in office, of sitting in either house of assembly. Two members shall be removed, by joint ballot of both houses of assembly, at the end of every three years, and be ineligible for the three next years. These vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections, in the same manner.

The delegates for Virginia to the continental congress shall be chosen annually, or superseded in the mean time, by joint ballot of both houses of assembly.

The present militia officers shall be continued, and vacancies supplied by appointment of the governor, with the advice of the privy council, on recommendations from the respective county courts; but the governor and council shall have a power of suspending any officer, and ordering a court martial, on complaint of misbehavior or inability, or to supply vacancies of officers, happening when in actual service.

The governor may embody the militia with the advice of the privy council; and when embodied, shall alone have the direction of the militia, under the laws of the country.

The two houses of assembly shall, by joint ballot, appoint judges of the supreme court of appeals, and general court of judges in chancery, judges of admiralty, secretary, and the attorney-general, to be commissioned by the governor, and continue in office during good behaviour. In case of death, incapacity, or resignation, the governor with the advice of the privy council, shall appoint persons to succeed in office, to be approved or disapproved by both

houses. These officers shall have fixed and adequate salaries, and, together with all others, holding lucrative offices, and all ministers of the gospel, of every denomination, be incapable of being elected members of either house of assembly or the privy council.

The governor with the advice of the privy council, shall appoint justices of the peace for the counties: and in case of vacancies, or a necessity of increasing the number hereafter, such appointments to be made upon the recommendation of the respective county courts. The present acting secretary in Virginia, and clerks of all the county courts, shall continue in office. In case of vacancies, either by death, incapacity, or resignation, a secretary shall be appointed, as before directed: and the clerks, by the respective courts. The present and future clerks shall hold their offices during good behavior, to be judged of, and determined in the general court. The sheriffs and coroners shall be nominated by the respective courts, approved by the governor, with the advice of the privy council, and commissioned by the governor. The justices shall appoint constables; and all fees of the aforesaid officers be regulated by law.

The governor, when he is out of office, and others, offending against the state, either by mal-administration, corruption, or other means, by which the safety of the state may be endangered, shall be impeachable by the house of delegates. Such impeachment to be prosecuted by the attorney-general, or such other person or persons as the house may appoint, in the general court, according to the laws of the land. If found guilty, he or they shall be either forever disabled to hold any office under government, or be removed from such office *pro tempore*, or subjected to such pains or penalties, as the laws shall direct.

If all or any of the judges of the general court should, on good grounds (to be judged of by the house of delegates) be accused of any of the crimes or offences abovementioned, such house of delegates may in like manner, impeach the judge or judges so accused, to be prosecuted in the court of appeals; and he or they, if found guilty, shall be punished in the same manner as is prescribed in the preceding clause.

Commissions and grants shall run "*In the name of the commonwealth of Virginia*," and bear test by the governor, with the seal of the commonwealth annexed. Writs shall run in the same manner, and bear test by the clerks of the several courts. Indictments shall conclude, "*against the peace and dignity of the commonwealth.*"

A treasurer shall be appointed annually, by joint ballot of both houses.

All escheats, penalties, and forfeitures, heretofore going to the king, shall go to the commonwealth, save only such as the legislature may abolish, or otherwise provide for.

The territories, contained within the charters, erecting the colonies of Maryland, Pennsylvania, North and South-Carolina, are hereby ceded, released, and forever confirmed to the people of these colonies respectively, with all the rights of property, jurisdiction and government, and all other rights whatsoever, which might, at any time heretofore, have been claimed by Virginia, except the free navigation and use of the rivers Potomac and Pokomoke, with the property of the Virginia shores and strands, bordering on ei-

ther of the said rivers, and all improvements, which have been, or shall be made thereon. The western and northern extent of Virginia shall, in all other respects, stand, as fixed by the charter of king James I. in the year one thousand six hundred and nine, and by the public treaty of peace, between the courts of Britain and France in the year one thousand seven hundred and sixty-three; unless by act of this legislature, one or more governments be established westward of the Allegbany mountains. And no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

CONSTITUTION

OF NORTH-CAROLINA.

The Constitution or form of Government, agreed to and resolved upon by the Representatives of the freemen of the state of North Carolina, elected and chosen for that particular purpose, in congress assembled, at Halifax, December 18, 1776.

A DECLARATION OF RIGHTS, &c.

I. That all political power is vested in, and derived from the people only.

II. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

III. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services.

IV. That the legislative, executive and supreme judicial powers of government, ought to be forever separate and distinct from each other.

V. That all powers of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

VI. That elections of members, to serve as representatives in general assembly, ought to be free.

VII. That in all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and shall not be compelled to give evidence against himself.

VIII. That no freeman shall be put to answer any criminal charge, but by indictment, presentment or impeachment.

IX. That no freeman shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used.

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants, whereby an officer or messenger

may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence—are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this state ought not to be taxed, or made subject to the payment of any impost, or duty, without the consent of themselves, or their representatives in general assembly freely given.

XVII. That the people have a right to bear arms, for the defence of the state; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.

XVIII. That the people have a right to assemble together, to consult for the common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences.

XX. That for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges, or honors ought to be granted or conferred in this state.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and, by them only, declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the state should be ascertained with precision: and as the former temporary line between North and South Carolina, was confirmed, and extended by commissioners, appointed by the legislatures of the two states, agreeable to the order of the late king George II. in council, that line, and that only, should be esteemed the south-

ern boundary of this state—that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of little river (being the southern extremity of Brunswick county) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude: and from thence a west course so far as is mentioned in the charter of king Charles II. to the late proprietors of Carolina. Therefore all the territory, seas, waters and harbors, with their appurtenances, lying between the line above described, and the southern line of the state of Virginia, which begins on the sea-shore, in thirty-six degrees thirty minutes north latitude, and from thence runs west, agreeable to the said charter of king Charles, are the right and property of the people of this state, to be held by them in sovereignty: any partial line, without the consent of the legislature of this state, at any time thereafter directed or laid out, in any wise notwithstanding: *provided always*, that this declaration of right shall not prejudice any nation or nations of Indians, from enjoying such hunting grounds as may have been, or hereafter shall be secured to them, by any former or future legislature of this state: *And provided also*, that it shall not be construed so as to prevent the establishment of one or more governments westward of this state, by consent of the legislature: *And provided further*, that nothing herein contained, shall affect the titles or possessions of individuals, holding or claiming under the laws heretofore in force, or grants heretofore made by the late king George II. or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION OR FORM OF GOVERNMENT, &c.

Whereas allegiance and protection are, in their nature, reciprocal, and the one should of right be refused, when the other is withdrawn:—

And whereas, George the third, king of Great Britain, and late sovereign of the British American colonies, hath not only withdrawn from them his protection, but by an act of the British legislature, declared the inhabitants of these states out of the protection of the British crown, and all their property found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act: and the said George the third, has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said colonies to a state of abject slavery; in consequence whereof, all government, under the said king, within the said colonies, hath ceased, and a total dissolution of government, in many of them, hath taken place.

And whereas, the continental congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared that the thirteen united colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever; and that the said colonies now are, and forever shall be, free and independent states—

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary that government should be established in this state; therefore, We, the representatives of the freemen of North Carolina, chosen and assembled in congress, for the express purpose of framing a constitution, under the authority of the people, most conducive to their happiness and prosperity, do declare, that a government for this state shall be established, in manner and form following, to wit:

I. That the legislative authority shall be vested in two distinct branches, both dependent on the people, to wit—*a senate and house of commons*.

II. That the senate shall be composed of representatives, annually chosen by ballot, one for each county in the state.

III. That the house of commons shall be composed of representatives annually chosen by ballot, two for each county, and one for each of the towns of Edenton, Newbern, Wilmington, Salisbury, Hillsborough and Halifax.

IV. That the senate and house of commons assembled for the purpose of legislation shall be denominated the *general assembly*.

V. That each member of the senate shall have usually resided in the county in which he is chosen, for one year, immediately preceding his election, and for the same time shall have possessed, and continue to possess, in the county which he represents, not less than three hundred acres of land in fee.

VI. That each member of the house of commons shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life.

VII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state twelve months immediately preceding the day of any election, and possessed of a freehold within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the senate.

VIII. That all freemen of the age of twenty-one years, who have been inhabitants of any one county within the state, twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the house of commons, for the county in which he resides.

IX. That all persons possessed of a freehold, in any town in this state, having a right of representation, and also all freemen, who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the house of commons: Provided always, that this section shall not entitle any inhabitant of such town to vote for members of the house of commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member for said town.

X. That the senate and house of commons, when met, shall each have power to choose a speaker, and other their officers; be judges of the qualifications and elections of their members; sit upon their own adjournments from day to day; and prepare bills to be passed into laws. The two houses shall direct writs of elec-

tion, for supplying intermediate vacancies; and shall also jointly by ballot, adjourn themselves to any future day and place.

XI. That all bills shall be read three times in each house, before they pass into laws, and be signed by the speakers of both houses.

XII. That every person who shall be chosen a member of the senate or house of commons, or appointed to any office or place of trust, before taking his seat, or entering upon the execution of his office, shall take an oath to the state; and all officers shall also take an oath of office.

XIII. That the general assembly shall, by joint ballot of both houses appoint judges of the supreme courts of law and equity, judges of admiralty, and attorney-general, who shall be commissioned by the governor and hold their offices during good behavior.

XIV. That the senate and house of commons, shall have power to appoint the generals and field officers of the militia, and all officers of the regular army of this state.

XV. That the senate and house of commons, jointly, at their first meeting after each annual election, shall, by ballot, elect a governor for one year, who shall not be eligible to that office, longer than three years, in six successive years. That no person under thirty years of age, and who has not been a resident in this state above five years, and having, in the state, a freehold in lands and tenements, above the value of one thousand pounds, shall be eligible as a governor.

XVI. That the senate and house of commons, jointly, at their first meeting, after each annual election, shall, by ballot, elect seven persons to be a council of state for one year; who shall advise the governor in the execution of his office; and that four members shall be a quorum; their advice and proceedings shall be entered in a journal, to be kept for that purpose only, and signed by the members present: to any part of which any member present may enter his dissent. And such journal shall be laid before the general assembly when called for by them.

XVII. That there shall be a seal of this state, which shall be kept by the governor, and used by him, as occasion may require; and shall be called, *the great seal of the state of North Carolina*, and be affixed to all grants and commissions.

XVIII. The governor, for the time being, shall be captain-general and commander in chief of the militia; and, in the recess of the general assembly, shall have power, by and with the advice of the council of state to embody the militia, for the public safety.

XIX. The governor, for the time being, shall have power to draw for, and apply such sums of money, as shall be voted by the general assembly, for the contingencies of government, and be accountable to them for the same. He also may, by and with the advice of the council of state, lay embargoes, or prohibit the exportation of any commodity, for any term not exceeding thirty days, at any one time in the recess of the general assembly; and shall have the power of granting pardons and reprieves, except where the prosecution shall be carried on by the general assembly, or the law shall otherwise direct; in which case, he may, in the recess, grant a reprieve until the next sitting of the general assembly; and may exercise all the other executive powers of government, limitted and restrained as by this constitution is mentioned, and according to the laws of the state. And on his death, inability, or absence from the state, the speaker of the senate, for the time being, and, in case of his death, inability, or absence from the state, the speaker of the house of commons shall exercise the powers of government, after such death, or during such absence or inability of the governor, or speaker of the senate, or until a new nomination is made by the general assembly.

XX. That in every case, where any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during their recess, die, or his office by other means become vacant, the governor shall have power, with the advice of the council of state, to fill up such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the general assembly.

XXI. That the governor, judges of the supreme court of law and equity, judges of admiralty, and attorney-general, shall have adequate salaries, during their continuance in office.

XXII. That the general assembly shall, by joint ballot of both houses, annually appoint a treasurer or treasurers, for this state.

XXIII. That the governor, and other officers, offending against the state, by violating any part of this constitution, mal-administration, or corruption, may be prosecuted, on the impeachment of the general assembly, or presentment of the grand jury of any court of supreme jurisdiction in this state.

XXIV. That the general assembly shall, by joint ballot of both houses triennially appoint a secretary, for this state.

XXV. That no persons who heretofore have been, or hereafter may be, receivers of public monies, shall have a seat in either house of general assembly, or be eligible to any office in this state until such person shall have fully accounted for, and paid into the treasury, all sums, for which they may be accountable and liable.

XXVI. That no treasurer shall have a seat, either in the senate house of commons, or council of state, during his continuance in that office, or before he shall have finally settled his accounts with the public, for all the monies which may be in his hands, at the expiration of his office, belonging to the state, and hath paid the same into the hands of the succeeding treasurer.

XXVII. That no officer in the regular army or navy, in the service and pay of the U. States, of this state or any other state, nor any contractor or agent for supplying such army or navy with clothing or provisions, shall have a seat either in the senate, house of commons, or council of state, or be eligible thereto; and any member of the senate, house of commons, or council of state, being appointed to, and accepting of such office, shall thereby vacate his seat.

XXVIII. That no member of the council of state shall have a seat either in the senate or house of commons.

XXIX. That no judge of the supreme court of law or equity, or judge of admiralty, shall have a seat in the senate, house of commons, or council of state.

XXX. That no secretary of this state, attorney general, or clerk of any court of record, shall have a seat in the senate, house of commons, or council of state.

XXXI. That no clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the senate, house of commons, or council of state, while he continues in the exercise of the pastoral function.

XXXII. That no person who shall deny the being of God, or the truth of the protestant religion, or the divine authority of either the old or new Testaments, or who shall hold religious principles incompatible with the freedom and safety of the state, shall be capable of holding any office, or place of trust or profit, in the civil department, within this state.

XXXIII. That the justices of the peace, within their respective counties in this state, shall in future be recommended to the governor for the time being, by the representatives in general assembly; and the governor shall commission them accordingly: and the justices when so commissioned, shall hold their offices during good behavior, and shall not be removed from office by the general assembly, unless for misbehavior, absence, or inability.

XXXIV. That there shall be no establishment of any one religious church or denomination in this state, in preference to any other; neither shall any person, on any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment, nor be obliged to pay, for the purchase of any glebe, or the building of any house of worship, or for the maintenance of any minister or ministry, contrary to what he believes right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship: *Provided*, that nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses, from legal trial and punishment.

XXXV. That no person in the state shall hold more than one lucrative office at any one time: *Provided*, that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXXVI. That all commissions and grants shall run in the name of the state of North-Carolina, and bear test, and be signed by the governor. All writs shall run in the same manner, and bear test, and be signed by the clerks of the respective courts. Indictments shall conclude, "*against the peace and dignity of the state.*"

XXXVII. That the delegates for this state, to the continental congress, while necessary, shall be chosen annually by the general assembly, by ballot; but may be superseded, in the mean time, in the same manner: and no person shall be elected to serve in that capacity, for more than three years successively.

XXXVIII. That there shall be a sheriff, coroner, or coroners, and constables in each county within this state.

XXXIX. That the person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident, or the presumption great.

XL. That every foreigner who comes to settle in this state, having first taken an oath of allegiance to the same, may purchase, or, by other just means, acquire, hold, and transfer land, or other real estate; and after one year's residence, shall be deemed a free citizen.

XLI. That a school or schools shall be established by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and, all useful learning shall be duly encouraged and promoted, in one or more universities.

XLII. That no purchase of lands shall be made of the Indian natives, but on behalf of the public, by authority of the general assembly.

XLIII. That the future legislature of this state shall regulate entails, in such a manner as to prevent perpetuities.

XLIV. That the declaration of rights is hereby declared to be part of the constitution of this state, and ought never to be violated on any pretence whatsoever.

XLV. That any member of either house of general assembly, shall have liberty to dissent from and protest against any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journals.

XLVI. That neither house of the general assembly shall proceed upon public business, unless a majority of all the members of such house are actually present: and that, upon a motion made and seconded, the yeas and nays, upon any question, shall be taken and entered on the journals: and that the journals of the proceedings of both houses of the general assembly shall be printed, and made public, immediately after their adjournment.

This constitution is not intended to preclude the present congress from making a temporary provision, for the well ordering of this state, until the general assembly shall establish government, agreeable to the mode herein before described.

RICHARD CASWELL, *President.*

December the eighteenth, one thousand seven hundred and seventy-six, read the third time, and ratified in open congress.

By order,

JAMES GREEN, Jun. *Secretary.*

CONSTITUTION OF THE
STATE OF SOUTH-CAROLINA.

WE, the delegates of the people of the state of South-Carolina in general convention met, do ordain and establish this constitution for its government.

ARTICLE I.

SEC. I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives.

II. The house of representatives shall be composed of members chosen by ballot, every second year, by the citizens of this state, qualified, as in this constitution is provided.

III. The several election districts, in this state, shall elect the following number of representatives, viz.

Charleston, including St. Philip and St. Michael, fifteen members; Christ Church, three members; St. John, Berkely, three members; St. Andrew, three members; St. George, Dorchester, three members; St. James, Goose Creek, three members; St. Thomas and St. Dennis, three members; St. Paul, three members; St. Bartholomew, three members; St. James, Santee, three members; St. John, Colleton, three members; St. Stephen, three members; St. Helena, three members; St. Luke, three members; Prince William, three members; St. Peter, three members; All Saints, including its ancient boundaries, one member; Winyaw, not including any part of All Saints, three members; Kingston, not including any part of All Saints, two members; Williamsburgh, two members; Liberty, two members; Marlborough, two members; Chesterfield, two members; Darlington, two members; York, three members; Chester, two members; Fairfield, two members; Richland, two members; Lancaster, two members; Kershaw, two members; Claremont, two members; Clarendon, two members; Abbeville, three members; Edgefield, three members; Newbury, including the fork between Broad and Saluda rivers, three members; Laurens, three members; Union, two members; Spartan, two members; Greenville, two members; Pendleton, three members; St. Matthew, two members; Orange, two members; Winton, including the district between Savannah river and the north fork of Edisto, three members; Saxe Gotha, three members.

IV. Every free white man, of the age of twenty-one years, being a citizen of this state, and having resided therein two years, previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district, in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling, towards the support of this government, shall have a right to vote, for a member or members, to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

V. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector, of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this constitution.

VI. No person shall be eligible to a seat in the house of representatives, unless he is a free white man, of the age of twenty-one years, and hath been a citizen and resident in this state, three years previous to his election. If a resident in the election district, he shall not be eligible to a seat in the house of representatives unless he be legally seized and possessed, in his own right, of a settled freehold estate of five hundred acres of land, and ten negroes; or of a real estate, of the value of one hundred and fifty pounds sterling, clear of debt. If a non-resident, he shall be legally seized and possessed of a settled freehold estate therein, of the value of five hundred pounds sterling, clear of debt.

VII. The senate shall be composed of members to be chosen for four years, in the following proportions, by the citizens of this state, qualified to elect members to the house of representatives, at the same time, in the same manner, and at the same places, where they shall vote for representatives, viz.

Charleston, including St. Philip and St. Michael, two members; Christ Church, one member; St. John, Berkley, one member; St. Andrew, one member; St. George, one member; St. James, Goose Creek, one member; St. Thomas and St. Dennis, one member; St. Paul, one member; St. Bartholomew, one member; St. James, Santee, one member; St. John, Colleton, one member; St. Stephen, one member; St. Helena, one member; St. Luke, one member; Prince William, one member; St. Peter, one member; All Saints, one member; Winyaw and Williamsburg, one member; Liberty and Kingston, one member; Marlborough, Chesterfield and Darlington, two members; York, one member; Fairfield, Richland and Chester, one member; Lancaster and Kershaw, one member; Claremont and Clarendon, one member; Abbeville, one member; Edgefield, one member; Newbury, including the fork between Broad and Soluda rivers, one member; Laurens, one member; Union, one member; Spartan, one member; Greenville, one member; Pendleton, one member; St. Matthew and Orange, one member; Winton, including the district between Savannah river, and the north fork of Edisto, one member; Saxe Gotha, one member.

VIII. No person shall be eligible to a seat in the senate, unless he is a free white man, of the age of thirty years, and hath been a citizen and resident in this state five years previous to his election. If a resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate of the value of three hundred pounds sterling, clear of debt. If a non-resident in the election district, he shall not be eligible unless he be legally seized and possessed, in his own right, of a settled freehold estate, in the said district, of the value of one thousand pounds sterling, clear of debt.

IX. Immediately after the senators shall be assembled, in consequence of the first election they shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the of the second year, and of the second class at the expiration of the fourth year; so that one half thereof, as near as possible may be chosen, forever thereafter, every second year, for the term of four years.

X. Senators, and members of the house of representatives, shall be chosen on the second Monday in October next, and the day following; and on the same days in every second year thereafter, in such manner, and at such times, as are herein directed: and shall meet on the fourth Monday in November annually, at Columbia, (which shall remain the seat of government until otherwise determined, by the concurrence of two-thirds of both branches of the whole representation) unless the casualities of war, or contagious disorders, should render it unsafe to meet there; in either of which cases, the governor or commander in chief for the time being, may

by proclamation, appoint a more secure and convenient place of meeting.

XI. Each house shall judge of the elections, returns and qualifications of its own members; and a majority of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members in such manner and under such penalties as may be provided by law.

XII. Each house shall choose by ballot its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

XIII. Each house may punish, by imprisonment, during sitting, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence—or who, during the time of its sitting shall threaten harm, to the body or estate of any member, for any thing said or done in either house; or who shall assault any of them therefor; or who shall assault or arrest any witness or other person ordered to attend the house, in his going to, or returning therefrom; or who shall rescue any person arrested by order of the house.

XIV. The members of both houses shall be protected in their persons and estates during their attendance on, going to, and returning from the legislature, and ten days previous to their sitting, and ten days after the adjournment of the legislature. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

XV. Bills for raising a revenue shall originate in the house of representatives, but may be altered, amended or rejected by the senate.

All other bills may originate in either house, and may be amended, altered or rejected by the other.

XVI. No bill or ordinance shall have the force of law, until it shall have been read three times, and on three several days, in each house, has had the great seal affixed to it, and has been signed in the senate-house, by the president of the senate and speaker of the house of representatives.

XVII. No money shall be drawn out of the public treasury but by the legislative authority of the state.

XVIII. The members of the legislature, who shall assemble under this constitution, shall be entitled to receive out of the public treasury, as a compensation for their expenses, a sum not exceeding seven shillings sterling a day, during their attendance on, going to and returning from the legislature; but the same may be increased or diminished by law, if circumstances shall require: but no alterations shall be made by any legislature, to take effect during the existence of the legislature which shall make such alteration.

XIX. Neither house shall, during their session, 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.

XX. No bill or ordinance which shall have been rejected by either house, shall be brought in again during the sitting, without leave of the house, and notice of six days being previously given.

XXI. No person shall be eligible to a seat in the legislature whilst he holds any office of profit or trust under this state, the United States, or either of them, or under any other power—except officers in the militia, army or navy of this state, justices of the peace, or justices of the county courts, while they receive no salaries; nor shall any contractor of the army or navy of this state, the United States, or either of them, or the agents of such contractor, be eligible to a seat in either house. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

XXII. If any election district shall neglect to choose a member or members on the days of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or should die, depart the state, or accept of any disqualifying office, a writ of election shall be issued by the president of the senate, or speaker of the house of representatives, as the case may be, for the purpose of filling up the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, dying, departing the state, or accepting a disqualifying office, was elected to serve.

XXIII. And whereas, the ministers of the gospel are, by their profession, dedicated to the service of God and the care of souls, and ought not to be diverted from the great duty of their functions, therefore, no minister of the gospel or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of governor, lieutenant governor, or a seat in the senate or house of representatives.

ARTICLE II.

I. The executive authority of this state shall be invested in a governor, to be chosen in manner following: as soon as may be after the first meeting of the senate and house of representatives, and at every first meeting of the house of representatives thereafter, when a majority of both houses shall be present, the senate and house of representatives shall, jointly, in the house of representatives, choose by ballot, a governor to continue for two years, and until a new election shall be made.

II. No person shall be eligible to the office of governor, unless he hath attained to the age of thirty years and hath resided within this state, and been a citizen thereof, ten years, and unless he be seized and possessed of a settled estate within the same, in his own right, of the value of fifteen hundred pounds sterling, clear of debt.

No person, having served two years as governor, shall be re-eligible to that office, till after the expiration of four years.

No person shall hold the office of governor, and any other office, or commission, civil or military, except in the militia, either in this state, or under any state, or the United States, or any other power, at one and the same time.

III. A lieutenant-governor shall be chosen, at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the governor.

IV. A member of the senate or house of representatives, being chosen, and acting as governor or lieutenant-governor, shall vacate his seat, and another person shall be elected in his stead.

V. In case of the impeachment of the governor or his removal from office, death, resignation, or absence from the state, the lieutenant-governor shall succeed to his office. And in case of the impeachment of the lieutenant governor, or his removal from office, death, or resignation, or absence from the state, the president of the senate shall succeed to his office, till a nomination to those offices respectively shall be made by the senate and house of representatives, for the remainder of the time which the officer so impeached, removed from office, dying, resigning, or being absent, was elected.

VI. The governor 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 actual service of the United States.

VII. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment, in such manner, on such terms, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

VIII. He shall take care that the laws be faithfully executed in mercy.

IX. He shall have power to prohibit the exportation of provision, for any time not exceeding thirty days.

X. He shall at stated times, receive, for his services, a compensation, which shall neither be increased or diminished during the period for which he shall have been elected.

XI. All officers in the executive department, when required by the governor, shall give him information in writing, upon any subject relating to the duties of their respective offices.

XII. The governor shall, from time to time, give, to the general assembly information of the condition of the state, and recommend to their consideration such measures as he shall judge necessary or expedient.

XIII. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the fourth Monday in the month of November then ensuing.

ARTICLE III.

I. The judicial power shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

The judges of each shall hold their commissions during good behavior; and judges of the superior courts shall, at stated times, receive a compensation for their services, which shall neither be increased or diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this state, the United States, or any other power.

II. The style of all processes shall be, "the state of South Carolina." All prosecutions shall be carried on in the name and by the authority of the state of South Carolina, and conclude "against the peace and dignity of the same."

ARTICLE IV.

All persons who shall be chosen or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath, "I do swear [or affirm] that I am duly qualified, according to the constitution of this state, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the constitution of this state, and of the United States.

ARTICLE V.

I. The house of representatives shall have the sole power of impeaching; but no impeachment shall be made, unless with the concurrence of two-thirds of the house of representatives.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

III. The governor, lieutenant-governor, and all the civil officers, shall be liable to impeachment, for any misdemeanor in office; but judgment in such cases, shall not extend further than to a removal from office, and disqualification to hold any office of honor, trust, or profit, under this state. The party convicted shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE VI.

I. The judges of the superior courts, commissioners of the treasury, secretary of the state, and surveyor-general, shall be elected by the joint ballot of both houses, in the house of representatives. The commissioners of the treasury, secretary of this state, and surveyor-general, shall hold their offices for four years, after the expiration of the time for which they shall have been elected.

II. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but sheriffs shall hold their offices for four years, and not be again eligible for four years after the term for which they shall have been elected.

III. All commissions shall be in the name and by the authority of the state of South Carolina, and be sealed with the seal of the state, and be signed by the governor.

ARTICLE VII.

All laws of force in this state, at the passing of this constitution, shall so continue, until altered or repealed by the legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the legislature.

ARTICLE VIII.

I. The free exercise and enjoyment of religious profession and worship without discrimination or preference, shall forever hereafter, be allowed within this state to all mankind; provided that the liberty of conscience thereby declared, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

II. The rights, privileges, immunities, and estates of both civil and religious societies, and of corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

ARTICLE IX.

I. All power is originally vested in the people; and all free governments are founded on their authority, and are instituted for their peace, safety, and happiness.

II. No freeman of this state, shall be taken or imprisoned, or dissezed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land; nor shall any bill of attainder, ex post facto law, or law impairing the obligation of contracts, ever be passed by the legislature of this state.

III. The military shall be subordinate to the civil power.

IV. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

V. The legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for any longer time than during good behavior.

VI. The trial by jury, as heretofore used in this state, and the liberty of the press, shall be forever inviolably preserved.

ARTICLE X.

I. The business of the treasury shall be, in future, conducted by two treasurers, one of whom shall hold his office and reside in Columbia; the other shall hold his office and reside in Charleston.

II. The secretary of state and surveyor-general shall hold their offices both in Columbia and in Charleston. They shall reside at one place, and their deputies at the other.

III. At the sessions of the circuits, the judges shall meet and sit at Columbia, for the purpose of hearing and determining all motions which may be made for new trials, and in arrest of judgments, and such points of law as may be submitted to them. From Columbia they shall proceed to Charleston, and there hear and determine all such motions for new trials and in arrest of judgment, and such points of law as may be submitted to them.

IV. The governor shall all always reside, during the sitting of the legislature, at the place where their sessions may be held, and at all other times wherever, in his opinion, the public good may require.

V. The legislature shall, as soon as may be convenient, pass laws for the abolition of the rights of primogeniture and for giving an equitable distribution of the real estate of intestates.

ARTICLE XI.

No convention of the people shall be called, unless by the concurrence of two-thirds of both branches of the whole representation.

No part of this constitution shall be altered unless a bill to alter the same shall have been read three times in the house of representatives, and three times in the senate, and agreed to by two-thirds of both branches of the whole representation; neither shall any alteration take place until the bill so agreed to, be published three months previous to a new election for members to the house of representatives; and if the alteration proposed by the legislature shall be agreed to, in their first session, by two thirds of the whole representation in both branches of the legislature, after the same shall have been read three times, on three several days in each house, then, and not otherwise, the same shall become a part of the constitution.

Done in convention at Columbia, in the state of South-Carolina, the third day of June, in the year of our Lord, 1790, and in the fourteenth year of the independence of the United States of America.

By the unanimous order of the Convention,

CHARLES PINCKNEY, President.

A BILL

To alter the fourth section of the first article of the constitution of the state of South-Carolina.

Be it enacted by the honorable the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same, That the fourth section of the first article of the constitution of this state, be altered and amended to read as follows: Every free white man of the age of twenty-one years, paupers, and non-commissioned officers, and private soldiers of the army of the United States, excepted, being a citizen of this state, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, shall have a right to vote for a member or members to serve in either branch of the legislature, for the election district in which he holds such property, or is so resident.

Constitution of Georgia.

The Constitution of the State of Georgia, as revised, amended, and compiled, by the Convention of the State, at Louisville, on the 30th day of May, 1798.

ARTICLE I.—SECTION I.

The legislative, executive, and judiciary departments of government shall be distinct, and each department shall be confided to a separate body of magistracy; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in instances herein expressly permitted.

Sec. 2. The legislative power shall be vested in two separate and distinct branches, to wit: a senate and house of representatives, to be styled "*The General Assembly.*"

Sec. 3. The Senate shall be elected annually, on the first Monday in November, until such day of election be altered by law; and shall be composed of one member from each county, to be chosen by the electors thereof.

Sec. 4. No person shall be a senator, who shall not have attained to the age of twenty-five years, and have been nine years a citizen of the United States and three years an inhabitant of this state, and shall have usually resided within the county for which he shall be returned, at least one year immediately preceding his election (except persons who may have been absent on public business of this state, or of the United States) and is and shall have been possessed, in his own right, of a settled freehold estate of the value of five hundred dollars, or of taxable property to the amount of one thousand dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be fully competent to the discharge of his just debts, over and above that sum.

Sec. 5. The senate shall elect, by ballot, a president out of their own body.

Sec. 6. The senate shall have the sole power to try all impeachments:—when sitting for that purpose they shall be on oath or affirmation; and no person shall be convicted, without the concurrence of two-thirds of the members present:—Judgment, in cases of impeachment, shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, within this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

Sec. 7. The house of representatives shall be composed of members from all the counties which now are, or hereafter may be, included within this state, according to their respective numbers of free white persons, and including three-fifths of all the people of color: The actual enumeration shall be made within two years, and within every subsequent term of seven years thereafter, at such time, and in such manner, as this convention may direct: Each county containing three thousand persons agreeably to the foregoing plan of enumeration, shall be entitled to two members; seven thousand to three members; and twelve thousand to four members; but each county shall have at least one and not more than four members; the representatives shall be chosen annually, on the first Monday in November, until such day of election be altered by law. Until the aforesaid enumeration shall be made, the several counties shall be entitled to the following number of representatives respectively:—Camden two; Glynn two; Liberty three; M'Intosh two; Bryan one; Chatham four; Effingham two; Scriven two; Montgomery two; Burke three; Bullock one; Jefferson three; Lincoln two; Elbert three; Jackson two; Richmond three; Wilkes four; Columbia three; Warren three; Washington three; Hancock four; Green three; Oglethorpe three; and Franklin two.

Sec. 8. No person shall be a representative who shall not have attained to the age of twenty-one years, and have been seven years a citizen of the United States, three years an inhabitant of this state, and have usually resided in the county in which he shall be chosen, one year immediately preceding his election, (unless he shall have been absent on public business of this state, or of the United States) and shall be possessed, in his own right, of a settled freehold estate of the value of two hundred and fifty dollars, or of taxable property to the amount of five hundred dollars, within the county, for one year preceding his election; and whose estate shall, on a reasonable estimation, be competent to the discharge of his just debts, over and above that sum.

Sec. 9. The house of representatives shall choose their speaker and other officers.

Sec. 10. They shall have solely the power to impeach all persons who have been or may be in office.

Sec. 11. No person holding any military commission or other appointment, having any emolument or compensation annexed thereto, under this state or the United States, or either of them, except justices of the inferior court, justices of the peace, and officers of the militia, nor any person who has had charge of public monies belonging to the state, unaccounted for, and unpaid, or who has not paid all legal taxes or contributions to the government, required of him, shall have a seat in either branch of the general assembly; nor shall any senator or representative be elected to any office or appointment by the legislature, having any emoluments or compensation annexed thereto, during the time for which he shall have been elected, with the above exceptions, unless he shall decline accepting his seat, by notice to the executive, within twenty days after he shall have been elected; nor shall any member, after having taken his seat, be eligible to any of the aforesaid offices or appointments during the time for which he shall have been elected.

Sec. 12. The meeting of the general assembly shall be annually, on the second Tuesday in January, until such day of meeting be altered by law; a majority of each branch shall be authorised to proceed to business; but a smaller number may adjourn from day to day, and compel the attendance of their members in such manner as each house may prescribe.

Sec. 13. Each house shall be the judges of the elections, returns and qualifications of its own members with powers to expel or punish by censuring, fining and imprisoning, or either, for disorderly behavior, and may expel any person convicted of any felonious or infamous offence; each house may punish by imprisonment, during session, any person not a member, who shall be guilty of disrespect by any disorderly or contemptuous behavior in its presence, or who, during session, shall threaten harm to the body or estate of any member; for any thing said or done in either house, or who shall assault any of them therefor; or who shall assault or arrest any witness, in going to, or returning from, or who shall rescue any person arrested by order of either house.

Sec. 14. No senator or representative shall be liable to be arrested during his attendance on the general assembly, or for ten days previous to its sitting, or for ten days after the rising thereof, except for treason, felony, or breach of the peace; nor shall any member be liable to answer for any thing spoken in debate in either house, in any court or place elsewhere; but shall nevertheless be bound to answer for perjury, bribery or corruption.

Sec. 15. Each house shall keep a journal of its proceedings, and publish them immediately after their adjournment; and the yeas and nays of the members on any question, shall, at the desire of any two members, be entered on the journals.

Sec. 16. All bills for raising revenue or appropriating monies, shall originate in the house of representatives; but the senate shall propose or concur with amendments, as in other bills.

Sec. 17. Every bill shall be read three times and on three separate days, in each branch of the general assembly, before it shall pass, unless in cases of actual invasion or insurrection; nor shall any law or ordinance pass, containing any matter different from what is expressed in the title thereof; and all acts shall be signed by the president in the senate, and speaker in the house of representatives: No bill or ordinance which shall have been rejected by either house, shall be brought in again during the session, under the same or any other title, without the consent of two-thirds of each branch.

Sec. 18. Each senator and representative, before he be permitted to take his seat, shall take an oath or make affirmation, that he hath not practised any unlawful means, either directly or indirectly, to procure his election; and every person shall be disqualified from serving as a senator or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for such election; and every candidate employing like means, and not elected, shall, on conviction, be ineligible to hold a seat in either house, or to hold any office of honor or profit for the term of one year, and to such other disabilities or penalties as may be prescribed by law.

Sec. 19. Every member of the senate or house of representatives, shall, before he takes his seat, take the following oath or affirmation, to wit—"I, A. B. do solemnly swear or affirm (as the case may be) that I have not obtained my election by bribery, treats, canvassing, or other undue or unlawful means, used by myself, or others, by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a senator or representative; and that on all questions and measures which may come before me, I will give my vote and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this state; and that I will bear true faith and allegiance to the same; and to the utmost of my power and ability observe, conform to, support and, and defend, the constitution thereof."

Sec. 20. No person, who hath been or may be convicted of felony, before any court of this state, or any of the United States, shall be eligible to any office or appointment of honor, profit or trust, within this state.

Sec. 21. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place, than that at which the two branches shall be sitting; and in case of disagreement between the senate and house of representatives, with respect to their adjournment, the governor may adjourn them.

Sec. 22. The general assembly shall have power to make all laws and ordinances, which they shall deem necessary and proper for the good of the state, which shall not be repugnant to this constitution.

Sec. 23. They shall have power to alter the boundaries of the present counties, and to lay off new ones, as well out of the counties already laid off as out of the other territory belonging to the state; but the property of the soil, in a free government, being one of the essential rights of a free people; it is necessary, in order to avoid disputes, that the limits of this state should be ascertained with precision and exactness; and this convention, composed of the immediate representatives of the people, chosen by them to assert their rights, to revise the powers given by them to the government, and from whose will all ruling authority of right flows, doth assert and declare, the boundaries of this state shall be as follows: That is to say, the limits, boundaries, jurisdictions, and authority of the state of Georgia, do, and did, and of right ought to extend from the sea or mouth of the river Savannah, along the northern branch or stream thereof, to the fork or confluence of the rivers now called Tugalo and Keowee, and from thence along the most northern branch or stream of the said river Tugalo, till it intersect the northern boundary line of South Carolina. If the said branch or stream of Tugalo extends so far north, reserving all the islands in the said river Savannah and Tugalo to Georgia; but if the head spring or source of any branch or stream of the said river Tugalo does not extend to the north boundary line of South Carolina, then a west line to be Mississippi, to be drawn from the head spring or source of the said branch or stream of Tugalo river, which extends to the highest northern latitude; thence down the middle of the said river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line drawn due east, from the termination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola, or Chatahooche; thence along the middle thereof, to its junction with Flint river; thence straight to the head of St. Mary's river; and thence along the middle of St. Mary's river to the Atlantic ocean; and from thence to the mouth or inlet of Savannah river, the place of beginning. Including and comprehending all the lands and waters within the said limits, boundaries and jurisdictional rights, and also all the islands within twenty leagues of the sea coast. And this convention doth further declare and assert, that all the territory without the present temporary line and within the limits aforesaid, is now, of right, the property of the free citizens of this state, and held by them in sovereignty, inalienable but by their consent: *Provided nevertheless*, That nothing herein contained shall be construed, so as to prevent a sale to, or contract with the United States, by the legislature of this state, of and for all or any part of the western territory of this state, lying westward of the river Chatahoochee, on such terms as may beneficial to both parties; and may procure an extension of settlement, and extinguishment of Indian claims in and to the vacant territory of this state, to the east and north of the said river Chatahoochee, to which the territory, such power of contract or sale, by the legislature, shall not extend: *And provided also*, The legislature may give its consent to the establishment of one or more governments westward thereof; but monopolies of land by individuals, being contrary to the spirit of our free government, no sale of territory of this state, or any part thereof, shall take place to individuals or private companies, unless a county or counties shall have been

first laid off, including such territory, and the Indian rights shall have been extinguished thereto.

Sec. 24. The foregoing section of this article having declared the common rights of the free citizens of this state, in and to all the territory without the present temporary boundary line, and within the limits of this state thereby defined, by which the contemplated purchases of certain companies of a considerable portion thereof, are become constitutionally void; and justice and good faith require, that the state should not detain a consideration for a contract, which has failed; the legislature, at their next session, shall make provision, by law, for returning to any person or persons, who has or have *bona fide* deposited monies for such purchases in the treasury of this state: *Provided*, That the same shall not have been drawn therefrom in terms of the act, passed the thirteenth day of February, one thousand seven hundred and ninety-six, commonly called the rescinding act, or the appropriation laws of the years one thousand seven hundred and ninety six, and one thousand seven hundred and ninety-seven: nor shall the monies paid for such purchases ever be deemed a part of the funds of this state, or be liable to appropriation as such; but until such monies be drawn from the treasury, they shall be considered altogether at the risk of the persons who have deposited the same. No money shall be drawn out of the treasury, or from the public funds of this state, except by appropriation made by law; and a regular statement and account of the receipts and expenditures of all public monies shall be published from time to time. No vote, resolution, law, or order, shall pass the general assembly, granting a donation or gratuity in favor of any person whatever, but by the concurrence of [illegible]

Sec. 25. It shall be the duty of the justices of the inferior court, or any three of them, in each county respectively, within sixty days after the adjournment of this convention, to appoint one or more fit persons in each county, not exceeding one for each battalion district, whose duty it shall be to take a full and accurate census or enumeration, of all free white persons, and people of colour residing therein, distinguishing, in separate columns, the free white persons from persons of colour, and return the same to the clerks of the superior courts of the several counties, certified under their hands, on or before the first day of December next—the persons so appointed, being first severally sworn before the said justices, or either of them, duly and faithfully to perform the trust reposed in them; and it shall be the duty of the said clerks, to transmit all such returns, under seal, directed to the speaker of the house of representatives, at the first session of the legislature thereafter.—And it shall be the duty of the general assembly, at their said first session, to apportion the members of the house of representatives among the several counties, agreeably to the plan prescribed by this constitution, and to provide an adequate compensation for the taking of the said census. Every person whose usual place of abode shall be in any family on the first Monday in July next, shall be returned as of such family, and every person, occasionally absent at the time of taking the enumeration, as belonging to that place in which he usually resides. The general assembly shall, by law, direct the manner of taking such census or

enumeration, within every subsequent term of seven years, in conformity to this constitution. And it is declared to be the duty of all officers, civil and military, throughout this state, to be aiding and assisting in the true and faithful execution thereof. In case the justices of the inferior courts should fail to make such appointments, or if there should not be a sufficient number of such justices in any county, then the justices of the peace, or any three of them, shall have and exercise like powers and authority respecting the said census; and if the census or enumeration of any county shall not be so taken and returned, then, and in that case, the general assembly shall apportion the representation of such county, according to the best evidence in their power, relative to its population.

ARTICLE II.

Sec. 1. The executive power shall be vested in a governor, who shall hold his office during the term of two years, and until such time as a successor shall be chosen and qualified; he shall have a competent salary established by law, which shall not be increased or diminished during the period for which he shall have been elected; neither shall he receive, within that period, any other emolument from the United States, or either of them, or from any foreign power.

Sec. 2. The governor shall be elected by the general assembly, at their second annual session after the rising of this convention, and at every second annual session thereafter, on the second day after the two houses shall be organized and competent to proceed to business.

Sec. 3. No person shall be eligible to the office of governor, who shall not have been a citizen of the United States twelve years, and an inhabitant of this state six years, and who hath not attained to the age of thirty years, and who does not possess five hundred acres of land, in his own right, within this state, and other property to the amount of four thousand dollars, and whose estate shall not, on a reasonable estimation, be competent to the discharge of his debts over and above that sum.

Sec. 4. In case of the death, resignation, or disability of the governor, the president of the senate shall exercise the executive powers of government, until such disability be removed, or until the next meeting of the general assembly.

Sec. 5. The governor shall, before he enters on the duties of his office, take the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be) that I will faithfully execute the office of governor of the state of Georgia; and will, to the best of my abilities, preserve, protect, and defend the said state, and cause justice to be executed in mercy therein, according to the constitution and laws thereof."

Sec. 6. He shall be commander in chief of the army and navy of this state, and of the militia thereof.

Sec. 7. He shall have power to grant reprieves for offences against the state, except in cases of impeachment, and to grant pardons, or to remit any part of a sentence, in all cases after conviction, except for treason or murder, in which cases he may respite the execution, and make report thereof to the next general assembly, by whom a pardon may be granted.

Sec. 8. He shall issue writs of election to fill up all vacancies that happen in the senate or house of representatives; and shall have power to convene the general assembly on extraordinary occasions; and shall give them, from time to time, information of the state of the republic, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. When any office shall become vacant by death, resignation, or otherwise, the governor shall have the power to fill such vacancy; and persons so appointed, shall continue in office until a successor is appointed, agreeably to the mode pointed out by this constitution or by the legislature.

Sec. 10. He shall have the revision of all bills passed by both houses, before the same shall become laws, but two thirds of both houses may pass a law notwithstanding his dissent: and if any bill should not be returned by the governor within five days after it hath been presented to him, the same shall be a law, unless the general assembly, by their adjournment, shall prevent its return.

Sec. 11. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor; and before it shall take effect, be approved by him; or, being disapproved, may be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 12. There shall be a secretary of the state, a treasurer, and a surveyor-general, appointed in the same manner, and at the same session of the legislature, and they shall hold their offices for the like period as the governor, and shall have a competent salary including such emoluments as may be established by law, which shall not be increased or diminished during the period for which they shall have been elected.

Sec. 13. The great seal of the state shall be deposited in the office of the secretary of state, and shall not be affixed to any instrument of writing, but by order of the governor or general assembly; and the general assembly shall, at their first session after the rising of this convention, cause the great seal to be altered, by law.

Sec. 14. The governor shall have power to appoint his own secretaries.

ARTICLE III.

Sec. 1. The judicial powers of this state shall be vested in a superior court, and in such inferior jurisdictions as the legislature shall from time to time, ordain and establish. The judges of the superior courts shall be elected for the term of three years, removable by the governor on the address of two-thirds of both houses for that purpose, or by impeachment and conviction thereon. The superior court shall have exclusive and final jurisdiction in all criminal cases, which shall be tried in the county wherein the crime was committed, and in all cases respecting titles to land, which shall be tried in the county where the land lies; and shall have power to correct errors in inferior judicatories by writs of *certiorari*, as well as errors in the superior courts, and to order new trials on proper and legal grounds: *Provided*, That such new trials shall be determined, and such errors corrected, in the superior court of the county in which such action originated. And the said court

shall also have appellative jurisdiction in such other cases as the legislature may by law direct, which shall in no case tend to remove the cause from the county in which the action originated; and the judges thereof, in all cases of application for new trials, or correction of errors, shall enter their opinions on the minutes of the court. The inferior courts shall have cognizance of all other civil cases, which shall be tried in the county wherein the defendant resides, except in cases of joint obligers, residing in different counties, which may be commenced in either county: and a copy of the petition and process, served on the party or parties residing out of the county in which the suit may be commenced, shall be deemed sufficient service, under such rules and regulations as the legislature may direct: but the legislature may, by law, to which two-thirds of each branch shall concur, give concurrent jurisdiction to the superior courts. The superior and inferior courts shall sit in each county twice in every year, at such stated times as the legislature shall appoint.

Sec. 2. The judges shall have salaries, adequate to their services, established by law, which shall not be increased or diminished during their continuance in office; but shall not receive any other perquisites or emoluments whatever, from parties or others, on account of any duty required of them.

Sec. 3. There shall be a state's attorney and solicitors appointed by the legislature, and commissioned by the governor, who shall hold their offices for the term of three years, unless removed by sentence on impeachment, or by the governor, on the address of two-thirds of each branch of the general assembly. They shall have salaries adequate to their services established by law, which shall not be increased or diminished during their continuance in office.

Sec. 4. Justices of the inferior courts shall be appointed by the general assembly, and be commissioned by the governor, and shall hold their commissions during good behavior, or as long as they respectively reside in the county for which they shall be appointed, unless removed by sentence on impeachment, or by the governor on the address of two-thirds of each branch of the general assembly. They may be compensated for their services, in such manner as the legislature may by law direct.

Sec. 5. The justices of the peace shall be nominated by the inferior courts of the several counties, and commissioned by the governor, and there shall be two justices of the peace in each captain's district, either or both of whom, shall have power to try all cases of a civil nature, within their district, where the debt, or liquidated demand, does not exceed thirty dollars, in such manner as the legislature may by law direct. They shall hold their appointments during good behavior, or until they shall be removed by conviction on indictment in the superior court, for mal-practice in office, or for any felonious or infamous crime, or by the governor, on the address of two-thirds of each branch of the legislature.

Sec. 6. The powers of a court of ordinary or register of probates, shall be invested in the inferior courts of each county, from whose decision there may be an appeal to the superior court, under such restrictions and regulations as the general assembly may by law direct; but the inferior court shall have power to vest the

care of the records and other proceedings therein, in the clerk, or such other person as they may appoint, and any one or more justices of the said court, with such clerk or other person, may issue citations, and grant temporary letters, in time of vacation, to hold until the next meeting of the said court; and such clerk or other person may grant marriage licenses.

Sec. 7. The judges of the superior courts, or any one of them, shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

Sec. 8. Within five years after the adoption of this constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged under proper heads, and promulgated in such manner as the legislature may direct; and no person shall be debarred from advocating or defending his cause, before any court or tribunal, either by himself, or counsel, or both.

Sec. 9. Divorces shall not be granted by the legislature, until the parties shall have had a fair trial before the superior court, and a verdict shall have been obtained, authorising a divorce upon legal principles. And in such cases, two-thirds of each branch of the legislature may pass acts of divorce accordingly.

Sec. 10. The clerks of the superior and inferior courts shall be appointed in such manner as the legislature may by law direct, shall be commissioned by the governor, and shall continue in office during good behavior.

Sec. 11. Sheriffs shall be appointed in such manner as the general assembly may by law direct, and shall hold their appointments for the term of two years, unless sooner removed by sentence on impeachment, or by the governor, on the address of two-thirds of the justices of the inferior court and of the peace in the county; but no person shall be twice elected sheriff within any term of four years; and no county officer after the next election, shall be chosen at the time of electing a senator or representative.

ARTICLE IV.

Sec. 1. The electors of members of the general assembly, shall be citizens and inhabitants of this state, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying agreeably to law, for the year preceding the election, and shall have resided six months within the county: *Provided*, That in case of invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors, and the persons elected thereat, shall be entitled to their seats.

Sec. 2. All elections by the general assembly, shall be by joint ballot of both branches of the legislature; and when the senate and house of representatives unite for the purpose of electing, they shall meet in the representative chamber, and the president of the senate shall in such case preside, receive the ballots, and declare the person or persons elected. In all elections by the people, the electors shall vote *viva voce*, until the legislature shall otherwise direct.

Sec. 3. The general officers of the militia, shall be elected by the general assembly, and shall be commissioned by the governor. All other officers of the militia shall be elected in such manner as the legislature may direct, and shall be commissioned by the governor; and all militia officers now in commission, and those which may be hereafter commissioned, shall hold their commissions during their usual residence within the division, brigade, regiment, battalion, or company, to which they belong, unless removed by sentence of a court martial, or by the governor, on the address of two-thirds of each branch of the general assembly.

Sec. 4. All persons appointed by the legislature to fill vacancies, shall continue in office, only so long as to complete the time for which their predecessors were appointed.

Sec. 5. Freedom of the press, and trial by jury, as heretofore used in this state, shall remain inviolate; and no *ex post facto* law shall be passed.

Sec. 6. No person, who heretofore hath been, or hereafter may be, a collector, or holder of public monies, shall be eligible to any office in this state, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

Sec. 7. The person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up *bona fide*, all his estate real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law.

Sec. 8. Convictions on impeachments, which have heretofore taken place, are hereby released, and persons lying under such convictions restored to citizenship.

Sec. 9. The writ of *habeas corpus* shall not be suspended unless when in case of rebellion, or invasion, the public safety may require it.

Sec. 10. No person within this state, shall, upon any pretence, be deprived of the inestimable privilege of worshipping God in a manner agreeable to his own conscience, nor be compelled to attend any place of worship, contrary to his own faith and judgment; nor shall he ever be obliged to pay tithes, taxes, or any other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or hath voluntarily engaged to do. No one religious society shall ever be established in this state, in preference to any other; nor shall any person be denied the enjoyment of any civil right, merely on account of his religious principles.

Sec. 11. There shall be no future importation of slaves into this state, from Africa, or any foreign place, after the first day of October next. The legislature shall have no power to pass laws for the emancipation of slaves, without the consent of each of their respective owners, previous to such emancipation. They shall have no power to prevent emigrants, from either of the United States to this state, from bringing with them such persons, as may be deemed slaves, by the laws of any one of the United States.

Sec. 12. Any person, who shall maliciously dismember or deprive a slave of his life, shall suffer such punishment as would be inflicted, in case the like offence had been committed on a free white person, and on the like proof, except in case of insurrection by such

slave, and unless such death should happen by accident, in giving such slave moderate correction.

Sec. 13. The arts and sciences shall be promoted, in one or more seminaries of learning, and the legislature shall, as soon as conveniently may be, give such further donations and privileges, to those already established, as may be necessary to secure the objects of their institution; and it shall be the duty of the general assembly, at their next session, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions.

Sec. 14. All civil officers shall continue in the exercise of the duties of their several offices, during the periods for which they were appointed, or until they shall be superseded by appointments made in conformity to this constitution: And all laws, now in force, shall continue to operate, so far as they are compatible with this constitution, until repealed; and it shall be the duty of the general assembly to pass all necessary laws and regulations, for carrying this constitution into full effect.

Sec. 15. No part of this constitution shall be altered unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the house of representatives, and three times in the senate, on three several days, in each house, and agreed to by two-thirds of each house, respectively; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the general assembly; and if such alterations or any of them so proposed, shall be agreed to in their first session thereafter, by two-thirds of each branch of the general assembly, after the same shall have been read three times, on three separate days, in each respective house, then, and not otherwise, the same shall become a part of this constitution.

We, the underwritten delegates of the people of the state of Georgia, chosen and authorised by them to revise, alter, or amend, the powers and principles of their government, do declare, ordain, and ratify, the several articles and sections contained in the six pages hereunto prefixed as the constitution of this state; and the same shall be in operation from the date hereof.

In testimony whereof, *we*, and each us, respectively, have hereunto set our hands, at Louisville, the seat of government, this thirteenth day of May, in the year of our Lord, one thousand seven hundred and ninety-eight, and in the twenty-second year of the Independence of the United States of America; and have caused the great seal of the state to be affixed thereto.

Article 4th, section 11th, and first line, the following words being interlined, to wit: "After the first day of October next."

JARED IRWIN, *President, and delegate from Washington.*

Bryan.	*Franklin.*	Jared Gore.
Joseph Clay, jun'r	A. Franklin,	*M'Intosh.*
J. B. Maxwell,	Robert Walters,	John H. M'Intosh,
John Pray.	Thomas Gilbert.	James Gignilliat.
Burke.	*Glynn.*	*Montgomery.*
Benjamin Davis,	John Burnett,	Benjamin Harrison,
John Morrison,	John Couper,	John Watts,
John Milton.	Thomas Spalding.	John Jones.

Bullock.	*Green.*	*Oglethorpe.*
James Bird.	G. W. Foster,	John Lumpkin,
Andrew E. Wells,	Jonas Fauche,	Thomas Duke,
Charles M'Call, jun'r.	James Nisbet.	Burwell Pope.
Camden.	*Hancock.*	*Richmond.*
James Sagrove,	Charles Abercrombee,	Robert Watkins,
Thomas Stafford.	Thomas Lamar,	Abraham Jones.
Chatham.	Matthew Rabun.	*Scriven.*
James Jackson,	*Jefferson.*	Lewis Lanier,
James Jones,	Peter J. Carnes,	James H. Rutherford,
George Jones.	William Fleming,	James Oliver.
Columbia.	R. D. Gray.	*Washington.*
James Simms,	*Jackson.*	John Watts,
Wa. Drane,	George Wilson,	George Franklin.
James M'Neil.	James Pittman,	*Warren.*
Effingham.	Joseph Humpheris.	John Lawson,
John King,	*Liberty.*	Arthur Fort,
John London,	James Cochran,	W. Sith, junior.
Thomas Polhill.	James Powell,	*Wilkes.*
Elbert.	James Dunwody.	Matthew Talbot,
William Barnett,	*Lincoln.*	Jesse Mercer,
R. Hunt,	Henry Ware,	Benjamin Taliaferro.
Benjamin Mosely.	Gibson Woodridge,	

Attest, JAMES M. SIMMONS, *Secretary.*

Constitution of Vermont.

Adopted by the Convention, holden at Windsor, July 4th, 1793.

CHAPTER I.

A DECLARATION OF RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTCLE I.

That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety: therefore, no male person, born in this country, and brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years; nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ARTICLE II.

That private property ought to be subservient to public uses when necessity requires it; nevertheless, when any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ARTICLE III.

That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God: and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments or peculiar mode of religious worship; and that no authority can, or ought, to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

ARTICLE IV.

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character: he ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

ARTICLE V.

That the people of this state, by their legal representatives, have the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

ARTICLE VI.

That all power being originally inherent in, and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times, in a legal way accountable to them.

ARTICLE VII.

That government is, or ought to be, instituted for the common mon benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

ARTICLE VIII.

That all elections ought to be free and without corruption, and that all freemen, having a sufficient evidence, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

ARTICLE IX.

That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of any person's property can be justly

taken from him, or applied to public uses, without his consent, or that of the representative body of freemen; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the legislature, to be of more service to the community than the money would be if not collected.

ARTICLE X.

That in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of his country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

ARTICLE XI.

That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure: and, therefore, warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person, or persons, his, her, or their property, not particularly described, are contrary to that right, and ought not to be granted.

ARTICLE XII.

That when an issue in fact, proper for the cognizance of jury, is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ARTICLE XIII.

That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ARTICLE XIV.

The freedom of deliberation, speech, and debate, in the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation, or prosecution, action or complaint in any other court or place whatsoever.

ARTICLE XV.

The power of suspending laws, or the execution of laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the legislature shall provide for.

ARTICLE XVI.

That the people have a right to bear arms, for the defence of themselves and the state—and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up: and that the military should be kept under strict subordination to, and governed by the civil power.

ARTICLE XVII.

That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ARTICLE XVIII.

The frequent recurrence to fundamental principles, and firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws as are necessary for the good government of the state.

ARTICLE XIX.

That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ARTICLE XX.

That the people have a right to assemble together to consult for their common good—to instruct their representatives—and apply to the legislature for redress of grievances, by address, petition, or remonstrance.

ARTICLE XXI.

That no person shall be liable to be transported out of this state for trial, for any offence committed within the same.

CHAP. II.—PLAN, OR FORM OF GOVERNMENT.

Sec. 1. The commonwealth or state of Vermont, shall be governed hereafter, by a governor, or lieutenant-governor, council, and an assembly of the representatives of the freemen of the same, in manner and form following:

Sec. 2. The supreme legislative power shall be vested in a house of representatives of the freemen of the commonwealth, or state of Vermont.

Sec. 3. The supreme executive power shall be vested in a governor, or, in his absence, a lieutenant governor, and council.

Sec. 4. Courts of justice shall be maintained in every county in this state, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered without corruption or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state; and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.

Sec. 5. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth—*Provided*, they do not constitute themselves the judges of the said court.

Sec. 6. The legislative, executive, and judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

Sec. 7. In order that the freemen of this state might enjoy the benefit of election as equally as may be, each town within this

state, that consists, or may consist of eighty taxable inhabitants, within one septenary, or seven years after she establishing this constitution, may hold elections therein, and choose each two representatives; and each other inhabited town in this state, may, in like manner, choose each one representative, to represent them in general assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each one representative forever thereafter.

Sec. 8. The house of representatives of the freemen of this state, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this state, respectively, on the first Tuesday in September annually, forever.

Sec. 9. The representatives so chosen, a majority of whom shall constitute a quorum for transacting any other business than raising a state tax, for which two thirds of the members elected shall be present, shall meet on the second Thursday of the succeeding October, and shall be styled *The General Assembly of the state of Vermont*; they shall have power to choose their speaker, secretary of state, their clerk and other necessary officers of the house—sit on their adjournments—prepare bills and enact them into laws—judge of the elections and qualifications of their own members: they may expel members, but not for causes known to their own constituents, antecedent to their own elections; they may administer oaths and affirmations in matters depending before them—redress grievances, impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties: they may annually, on their first session after their election, in conjunction with the council, or oftener if need be, elect judges of the supreme and several county and probate courts, sheriffs and justices of the peace; and also with the council may elect major-generals, brigadier generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the legislature of a free and sovereign state; but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

Sec. 10. The supreme executive council of this state, shall consist of a governor, lieutenant governor and twelve persons, chosen in the following manner, viz. The freemen of each town shall, on the day of the election for choosing representatives to attend the general assembly, bring in their votes for governor, with his name fairly written to the constable, who shall seal them up and write on them, *votes for the governor*, and deliver them to the representatives chosen to attend the general assembly, there shall be a committee appointed out of the council and assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the governor, and declare the person who has the major part of the votes, to be governor for the year ensuing. And if there be no choice made, then the council and general assembly by their joint ballot, shall make choice of a governor. The lieutenant-governor and treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as counsellors.

Sec. 11. The governor, and in his absence the lieutenant-governor, with the council, a major-part of whom, including the governor, or lieutenant-governor, shall be a quorum to transact business, shall have power to commission all officers—and also to appoint officers except where provision is, or shall be otherwise made by law or this frame of government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution.

They are to correspond with other states—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary to lay before the general assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance for advice only, the judges of the supreme court. And shall have power to grant pardons and remit fines, in all cases whatsoever, except in treason and murder, in which they shall have power to grant reprieves, but not to pardon, until after the end of the next session of assembly; and except in cases of impeachment, in which there shall be no remission or mitigation of punishment, but by act of legislation.

They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by the general assembly. And they may draw upon the treasury for such sums as may be appropriated by the house of representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the house only. They may grant such licenses as shall be directed by law; and shall have power to call together the general assembly, when necessary, before the day to which they shall stand adjourned. The governor shall be captain-general and commander in chief of the forces of the state, but shall not command in person, except advised thereto by the council, and then only so long as they shall approve thereof. And the lieutenant governor shall, by virtue of his office, be lieutenant-general of all the forces of the state. The governor, or lieutenant-governor, and the council, shall meet at the time and place with the general assembly; the lieutenant-governor shall, during the presence of the commander-in-chief, vote and act as one of the council: and the governor, and in his absence the lieutenant-governor, shall, by virtue of their offices, preside in council, and have a casting but no other vote. Every member of the council shall be a justice of the peace for the whole state, by virtue of his office. The governor and council shall have a secretary, and keep fair books of their proceedings, wherein any councillor may enter his dissent, with his reasons to support it; and the governor may appoint a secretary for himself and his council.

Sec. 12. The representatives having met, and chosen their speaker and clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed, except where they shall produce certificates of their having heretofore taken and subscribed the same, as the following oath or affirmation, viz.

"You ——— —— do solemnly swear (or affirm) that as a member of this assembly, you will not propose, or assent to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatsoever, that shall have a tendency to lessen or abridge their rights and privileges as declared by the constitution of this state; but will, in all things, conduct yourself as a faithful, honest representative, and guardian of the people, according to the best of your judgment and abilities. *(in case of an oath)* so help you God. *(And in case of an affirmation)* under the pains and penalties of perjury."

Sec. 13. The doors of the house in which the general assembly of this commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.

Sec. 14. The votes and proceedings of the general assembly shall be printed, when one-third of the members think it necessary, as soon as convenient after the end of each session, with the yeas and nays on any question, when required by any member, except where the votes shall be taken by ballot, in which case every member shall have a right to insert the reasons of his vote upon the minutes.

Sec. 15. The style of the laws of this state in future to be passed shall be,—*It is hereby enacted by the general assembly of the state of Vermont.*

Sec. 16. To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations, as much as possible prevented, all bills which originate in the assembly, shall be laid before the governor and council for their revision and concurrence, or proposals of amendment; who shall return the same to the assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the assembly, it shall be in the power of the governor and council to suspend the passing of such bills until the next session of the legislature. Provided, that if the governor and council shall neglect or refuse to return any such bill to the assembly, with written proposals of amendment, within five days, or before the rising of the legislature, the same shall become a law.

Sec. 17. No money shall be drawn out of the treasury, unless first appropriated by act of legislation.

Sec. 18. No person shall be elected a representative, until he has resided two years in this state; the last of which shall be in the town for which he is elected.

Sec. 19. No member of the council, or house of representatives, shall, directly or indirectly, receive any fee or reward, to bring forward or advocate any bill, petition, or other business, to be transacted in the legislature; or advocate any cause, as counsel, in either house of legislation, except when employed in behalf of the state.

Sec. 20. No person ought, in any case or in any time, to be declared guilty of treason or felony, by the legislature.

Sec. 21. Every man, of the full age of twenty-one years, having resided in this state for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behaviour, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this state.

"You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the state of

Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man."

Sec. 22. The inhabitants of this state shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as congress, agreeably to the constitution of the United States, and the legislature of this state shall direct. The several companies of militia shall, as often as vacancies happen, elect their captain and other officers, and the captains and subalterns shall nominate and recommend the field officers, of their respective regiments, who shall appoint their staff officers.

Sec. 23. All commissions shall be in the name of the freemen of the state of Vermont, sealed with the state seal, signed by the governor, and in his absence the lieutenant-governor, and attested by the secretary; which seal shall be kept by the governor.

Sec. 24. Every officer of state, whether judicial or executive, shall be liable to be impeached by the general assembly, either when in office, or after his resignation or removal for mal-administration. All impeachments shall be before the governor, or lieutenant governor and council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Sec. 25. As every freeman, to preserve his independence, if without a sufficient estate, ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs he has a right to a reasonable compensation; and whenever an office through increase of fees, or otherwise, become so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature. And if any officer shall wittingly and wilfully take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this state, until he shall be restored by act of legislation.

Sec. 26. No person in this state shall be capable of holding or exercising more than one of the following offices at the same time, viz. governor, lieutenant-governor, judge of the supreme court, treasurer of the state, member of the council, member of the general assembly, surveyor-general, or sheriff. Nor shall any person, holding any office of profit or trust under the authority of congress, be eligible to any appointment in the legislature, or of holding any executive or judiciary office under this state.

Sec. 27. The treasurer of the state shall, before the governor and council, give sufficient security to the secretary of the state, in behalf of the general assembly; and each high sheriff, before the first judge of the county court, to the treasurer of their respective counties, previous to their respectively entering upon the execution of their offices, in such manner, and in such sums as shall be directed by the legislature.

Sec. 28. The treasurer's accounts shall be annually audited, and a fair state thereof laid before the general assembly, at their session in October.

Sec. 29. Every officer, whether judicial, executive, or military in authority under this state, before he enters upon the execution of his office, shall take and subscribe to the following oath or affirmation of allegiance to this state, unless he shall produce evidence that he has before taken the same, and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the legislature.

The oath or affirmation of allegiance.

"You do solemnly swear *(or affirm)* that you will be true and faithful to the state of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

The oath or affirmation of office.

"You ——— do solemnly swear *(or affirm)* that you will faithfully execute the office of ——— for the ——— of ———; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. *(If an oath)* So help you God. *(If an affirmation)* Under the pains and penalties of perjury."

Sec. 30. No person shall be eligible to the office of governor or lieutenant-governor, until he shall have resided in this state four years next preceding the day of his election.

Sec. 31. Trials of issues, proper for the cognizance of a jury, in the supreme and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return or appointment of juries.

Sec. 32. All prosecutions shall commence, *by the authority of the state of Vermont*—all indictments shall conclude with these words, *against the peace and dignity of the state.* And all fines shall be proportioned to the offences.

Sec. 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, *bona fide*, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

Sec. 34. All elections, whether by the people or the legislature, shall be free and voluntary: and any elector, who shall receive any gift or reward for his vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future legislature shall direct.

Sec. 35. All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns; and for want thereof, in the county clerk's office of the same county.

Sec. 36. The legislature shall regulate entails in such manner as to prevent perpetuities.

Sec. 37. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: And all persons at proper times, ought to be permitted to see them at their labor.

Sec. 38. The estates of such persons as may destroy their own lives, shall not for that offence, be forfeited, but descend or ascend in the same manner, as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Sec. 39. Every person, of good character, who comes to settle in this state, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire hold, and transfer land, or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this state, except that he shall not be capable of being elected governor, lieutenant-governor, treasurer, counsellor, or representative in assembly, until after two years residence.

Sec. 40. The inhabitants of this state shall have liberty, in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters, not private property, under proper regulations, to be hereafter made and provided by the general assembly.

Sec. 41. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed: And a competent number of schools ought to be maintained in each town for the convenient instruction of youth: And one or more grammar schools be incorporated and properly supported in each county in this state. And all religious societies or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the general assembly of this state shall direct.

Sec. 42. The declaration of the political rights and privileges of the inhabitants of this state is hereby declared to be a part of the constitution of this commonwealth; and ought not to be violated; on any pretence whatsoever.

Sec. 43. In order that the freedom of this commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the freemen of this state, on the last Wednesday in March, in the year one thousand seven hundred and ninety-nine, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen, except they shall not be out of the council or general assembly, to be called the council of censors; who shall meet together on the first Wednesday in June next ensuing their election the majority of whom shall be a quorum in every case, except as, to calling a convention, in which two-thirds of the whole number elected shall agree, and whose duty it shall be to enquire whether the constitution has been preserved inviolate in every part during the last septenary, including the year of their service, and whether the legislative and executive branches of government have performed their duty as guardians of the people, or assumed to themselves, or exercised other or greater powers than they are entitled to by the constitution. They are also to enquire whether the public taxes have been justly laid and collected in all parts of this commonwealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed. For these purposes they shall have power to send for persons, papers and records—they shall have authority to pass public censures, to order impeachments, and to recommend to the legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the constitution: These powers they shall continue to have for and during the space of one year from the day of their election, and no longer. The said council of censors shall also have power to call a convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

By order of Convention, July 9th, 1703.

THOMAS CHITTENDEN, President.

Attest, LEWIS R. MORRIS, Secretary.

Constitution of Kentucky.

The Constitution, or form of Government for the State of Kentucky.

We, the representatives of the people of the state of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the right of life, liberty and property, and of pursuing happiness, do ordain and establish this constitution for its government.

ARTICLE I.—*Concerning the distribution of the Powers of the Government.*

Sec. 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive, to another; and those which are judiciary, to another.

Sec. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE II.—*Concerning the Legislative Department.*

Sec. 1. The legislative power of this commonwealth shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both together, *the General Assembly of the Commonwealth of Kentucky.*

Sec. 2. The members of the house of representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

Sec. 3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the same for three days, at the request of any one of the candidates.

Sec. 4. No person shall be a representative, who at the time of his election, is not a citizen of the United States, and hath not attained to the age of twenty-four years, and resided in this state two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

Sec. 5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper, from time to time, to divide any or all of those counties: *Provided*, That when it shall appear to the legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may from time to time be fixed by law, and thereafter elections, for the county in which such town is situated, shall not be held therein.

Sec. 6. Representation shall be equal and uniform in this commonwealth; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the state, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors: but, when a county may not have a sufficient number of qualified electors to entitle it to one representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative. Provided, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums when added together will amount to such ratio, in that case, one representative shall be added to that county having the largest residuum.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free male citizen (negroes, mulattoes, and Indians excepted) who, at the time being, hath attained to the age of twenty-one years, and resided in the state two years, or the county or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, and returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled shall have the power to choose its officers annually.

Sec. 10. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into four classes:—the seats of the senators of the first class, shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one fourth shall be chosen every year, and a rotation thereby kept up perpetually.

Sec. 11. The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

Sec. 12. The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the state; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

Sec. 13. When an additional senator may be added to the senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in number as possible.

Sec. 14. One senator for each district shall be elected by those qualified to vote for representatives therein, who shall give their votes at the several places in the counties or towns, where elections are by law directed to be held.

Sec. 15. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of thirty-five years, and resided in this state six years next preceding his election, and the last year thereof in the district from which he may be chosen.

Sec. 16. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter, there shall, in like manner, be an annual election for senators, to fill the places of those whose time of service may have expired.

Sec. 17. The general assembly shall convene on the first Monday in the month of November in every year, unless a different day

be appointed by law; and their sessions shall be held at the seat of government.

Sec. 18. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members, in such manner, and under such penalties as may be prescribed thereby.

Sec. 19. Each house of the general assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Sec. 20. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behaviour; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 21. Each house of the general assembly shall keep and publish weekly, a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

Sec. 22. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 23. The members of the general assembly shall severally receive from the public treasury, a compensation for their services, which shall be one dollar and a half a day, during their attendance on, going to, and returning from the sessions of their respective houses: Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

Sec. 24. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to, and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Sec. 25. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

Sec. 26. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect; nor whilst he holds or exercises any office of profit under this commonwealth, shall be eligible to the general assembly; except attornies at law, justices of the peace, and militia officers: Provided, that justices of the courts of quarter sessions shall be ineligible, so long as any compensation may be allowed them for their services; Provided also, that attornies for the commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

Sec. 27. No person, who at any time may have been a collector of taxes for the state or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public monies for which he may be responsible.

Sec. 28. No bill shall have the force of a law, until on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon: unless in cases of urgency four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 29. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills: Provided, that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

Sec. 30. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE III.

Concerning the Executive Department.

The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

Sec. 2. The governor shall be elected for the term of four years by the citizens entitled to suffrage, at the time and places where they shall respectively vote for representatives. The person having the highest number of votes shall be governor: but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the legislature may direct.

Sec. 3. The governor shall be ineligible for the succeeding seven years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

Sec. 5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this constitution.

Sec. 6. No member of congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of governor.

Sec. 7. The governor shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished, during the term for which he shall have been elected.

Sec. 8. He shall be commander in chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do, by a resolution of the general assembly.

Sec. 9. He shall nominate, and by and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, that no person shall be so appointed to an office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then, within the limits of the county or counties from which it shall have been taken: Provided also, that the county courts be authorized by law to appoint inspectors, collectors, and their deputies, surveyors of the high-ways, constables, jailors, and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 13. He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall deem expedient.

Sec. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. A lieutenant-governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant-governor.

Sec. 17. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects; and when the senate are equally divided, to give the casting vote.

Sec. 18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor, absent or impeached, shall return or be acquitted.

Sec. 19. Whenever the government shall be administered by the lieutenant-governor, or shall be unable to attend as speaker

of the senate, the senators shall elect one of their own members as speaker for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

Sec. 20. The lieutenant-governor, while he acts as speaker to the senate, shall receive for his services the same compensation, which shall for the same period be allowed to the speaker of the house of representatives, and no more: and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to, had he been employed in the duties of his office.

Sec. 21. The speaker pro tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation, which the governor would have received, had he been employed in the duties of his office.

Sec. 22. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary for the time being, to convene the senate for the purpose of choosing a speaker.

Sec. 23. An attorney-general and such other attornies for the commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attornies for the commonwealth for the several counties, shall be appointed by the respective courts having jurisdiction therein.

Sec. 24. A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

Sec. 25. Every bill which shall have passed both houses 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, who shall enter the objections at large upon the journal, and proceed to reconsider it; 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 objections, to the other house, by which it shall be likewise considered, and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journals of each house respectively; if any bill shall not be returned by the governor within ten days, Sundays excepted, after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return; in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 26. Every order, resolution or vote, to which the concur-

rence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved, shall be re-passed, by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. Contested elections for a governor and lieutenant-governor, shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Sec. 28. The freemen of this commonwealth (Negroes, Mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 29. The commanding officers of the respective regiments shall appoint the regimental staff; brigadier generals, their brigade majors; major generals, their aids; and captains, the non-commissioned officers of companies.

Sec. 30. A majority of the field officers and captains in each regiment, shall nominate the commissioned officers in each company, who shall be commissioned by the governor: Provided that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal, and the highest number of votes, the field officer present, who may be highest in commission, shall decide the nomination.

Sec. 31. Sheriffs shall be hereafter appointed in the following manner:—When the time of a sheriff for any county may be about to expire, the county court for the same, a majority of all its justices being present, shall in the months of September, October, or November next preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall in such recommendation pay a just regard to seniority in office and a regular rotation. One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county courts shall omit in the months aforesaid to make such recommendation, the governor shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

ARTICLE IV.—*Concerning the Judicial Department.*

Sec. 1. The judiciary power of this commonwealth both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the court of appeals, and in such inferior courts as the general assembly may, from time to time erect and establish.

Sec. 2. The court of appeals, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only; which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this constitution, as may, from time to time, be prescribed by law.

Sec. 3. The judges, both of the supreme and inferior courts shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient ground of impeachment, the governor shall remove any of them on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each house. They shall, at stated times, receive for their services, an adequate compensation, to be fixed by law.

Sec. 4. The judges shall, by virtue of their office, be conservators of the peace, throughout the state. The style of all process shall be, "The commonwealth of Kentucky." All prosecutions shall be carried on in the name, and by the authority of the commonwealth of Kentucky, and conclude, against the peace and dignity of the same.

Sec. 5. There shall be established in each county, now or which may hereafter be erected, within this commonwealth, a county court.

Sec. 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of two-thirds of each house of the general assembly: Provided, however, that the cause or causes for which such removal may be required, shall be stated at length in such address and on the journal of each house.

Sec. 7. The number of the justices of the peace, to which the several counties in this commonwealth now established, or which may hereafter be established, ought to be entitled, shall from time to time be regulated by law.

Sec. 8. When a surveyor, coroner, or justice of the peace, shall be needed in any county, the county court for the same, a majority of all its justices concurring therein, shall recommend to the governor two proper persons to fill the office, one of whom he shall appoint thereto: Provided, however, that if the county court shall for twelve months omit to make such recommendation, after being requested by the governor to recommend proper persons, he shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

Sec. 9. When a new county shall be erected, a competent number of justices of the peace, a sheriff and coroner therefor, shall be recommended to the governor by a majority of all the members of the house of representatives from the senatorial district or districts in which the county is situated; and if either of the persons thus recommended shall be rejected by the governor or the senate, another person shall immediately be recommended as aforesaid.

Sec. 10. Each court shall appoint its own clerk, who shall hold his office during good behavior; but no person shall be appointed clerk, only pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the court of appeals, that he had been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk of any court of the same dignity, with that for which he offers himself. They shall be removable for breach of good behavior by the court of appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

Sec. 11. All commissions shall be in the name, and by the authority of the state of Kentucky, and sealed with the state seal, and signed by the governor.

Sec. 12. The state treasurer and printer or printers for the commonwealth, shall be appointed annually by the joint vote of both houses of the general assembly: Provided, that during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

ARTICLE V.—*Concerning Impeachments.*

Sec. 1. The house of representatives shall have the sole power of impeaching.

Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VI.—*General Provisions.*

Sec. 1. Members of the general assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will be faithful and true to the commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute to the best of my abilities, the office of according to law."

Sec. 2. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3. Every person shall be disqualified from serving as a governor, lieutenant-governor, senator, or representative, for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, to procure his election.

Sec. 4. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

Sec. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law, nor shall any appropriations of money, for the support of an army be made for a longer time than one year; and a regular statement and account of the receipts and expenditures of all public money, shall be published annually.

Sec. 6. The general assembly shall direct by law in what manner, and in what courts, suits may be brought against the commonwealth.

Sec. 7. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.

Sec. 8. All laws, which on the first day of June, one thousand seven hundred and ninety-two, were in force in the state of Virginia, and which are of a general nature, and not local to that state, and not repugnant to this constitution, nor to the laws which have been enacted by the legislature of this commonwealth, shall be in force within this state, until they shall be altered or repealed by the general assembly.

Sec. 9. The compact with the state of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this constitution.

Sec. 10. It shall be the duty of the general assembly, to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 11. All civil officers for the commonwealth at large, shall reside within the state, and all district, county, or town officers, within their respective districts, counties, or towns (trustees of towns excepted) and shall keep their respective offices at such places therein, as may be required by law: and all militia officers shall reside in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

Sec. 12. The attorney general and other attornies for this commonwealth, who receive a fixed annual salary from the public treasury, judges and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behavior, and the continuance of their respective courts, under the exceptions contained in this constitution.

Sec. 13. Absence on the business of this state, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this commonwealth, under the exceptions contained in this constitution.

Sec. 14. It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made, for neglect of duty in their official capacity.

Sec. 15. Returns of all elections for governor, lieutenant governor, and members of the general assembly, shall be made to the secretary for the time being.

Sec. 16. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be personally and publicly given, viva voce.

Sec. 17. No member of congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of

the general assembly of this commonwealth, or hold or exercise any office of trust or profit under the same.

Sec. 18. The general assembly shall direct by law how persons, who now are, or may hereafter become, securities for public officers, may be relieved or discharged on account of such security-ship.

ARTICLE VII.—*Concerning Slaves.*

Sec. 1. The general assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the U. States, so long as any person of the same age or description shall be continued in slavery by the laws of this state. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this commonwealth. They shall have full power to prevent slaves being brought into this state as merchandise. They shall have full power to prevent any slaves being brought into this state, who have been since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary, to oblige the owners of slaves to treat them with humanity, to provide for them necessary cloathing and provision, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

Sec. 2. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law: except that the general assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

ARTICLE VIII.

The seat of government shall continue in the town of Frankfort, until it shall be removed by law: Provided, however, that two-thirds of all the members elected to each house of the general assembly, shall concur in the passage of such law.

ARTICLE IX.—*Mode of Revising the Constitution.*

When experience shall point out the necessity of amending this constitution, and when a majority of all the members elected to each house of the general assembly, shall within the first twenty days of their stated annual session, concur in passing a law for taking the sense of the good people of this commonwealth as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other returning officers, at the next general election which shall be held for representatives, after the passage of such law, to open a poll for, and make a return to the secretary, for the time being, of the names of all those entitled to vote for representatives who have voted for calling a convention: and if thereupon it shall appear that a majority of all the citizens of this state entitled to vote for representatives, have voted for a

convention, the general assembly shall direct that a similar poll shall be opened, and taken for the next year; and if thereupon it shall appear, that a majority of all the citizens of this state entitled to vote for representatives, have voted for a convention, the general assembly shall at their next session call a convention, to consist of as many members as there shall be in the house of representatives, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time, that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending or changing this constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

ARTICLE X.

That the general, great, and essential principles of liberty and free government, may be recognized and established, we declare,

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

Sec. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness: for the advancement of these ends, they have at all times an unalienable and indefeisible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. 3. That all men have a natural and indefeisible right to worship Almighty God according to the dictates of their own consciences; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent: that no human authority ought, in any case whatever, to control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious societies or modes of worship.

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

Sec. 5. That all elections shall be free and equal.

Sec. 6. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate.

Sec. 7. That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

Sec. 8. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizures and searches; and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Sec. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers, or the law of the land.

Sec. 11. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, in time of war or public danger, by leave of the court, for oppression or misdemeanor in office.

Sec. 12. No person shall, for the same offence, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

Sec. 13. That all courts shall be open, and every person for any injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law; and right and justice administered without sale, denial or delay.

Sec. 14. That no power of suspending laws shall be exercised, unless by the legislature or its authority.

Sec. 15. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 16. That all prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. 17. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 18. That no ex post facto law, nor any law impairing contracts, shall be made.

Sec. 19. That no person shall be attainted of treason or felony by the legislature.

Sec. 20. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth.

Sec. 21. That the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 22. That the citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those

vested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

Sec. 23. That the right of the citizens to bear arms in defence of themselves and the state, shall not be questioned.

Sec. 24. That no standing army shall in time of peace, be kept up without the consent of the legislature, and the military shall in all cases, and at all times, be in strict subordination to the civil power.

Sec. 25. That 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. 26. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

Sec. 27. That emigration from the state shall not be prohibited.

Sec. 28. To guard against transgressions of the high powers which we have delegated, *we declare*, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

Sec. 1. That all laws of this commonwealth in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue, as if the said alterations and amendments had not been made.

Sec. 2. That all officers now filling any office or appointment, shall continue in the exercise of the duties of their respective offices or appointments for the terms therein expressed unless by this constitution it is otherwise directed.

Sec. 3. The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the legislature shall otherwise direct.

Sec. 4. The general assembly, to be held in November next, shall apportion the representatives and senators, and lay off the state into senatorial districts conformable to the regulations prescribed by this constitution. In fixing those apportionments, and in establishing those districts, they shall take for their guide the enumeration directed by law to be made in the present year, by the commissioners of the tax, and the apportionments thus made, shall remain unaltered until the end of the stated annual sessions of the general assembly in the year eighteen hundred and three.

Sec. 5. In order that no inconvenience may arise, from the change made by this constitution, in the time of holding the general election, it is hereby ordained that the first election for governor, lieutenant-governor, and members of the general assembly, shall commence on the first Monday in May, in the year eighteen

hundred. The persons then elected shall continue in office during the several terms of service prescribed by this constitution, and until the next general election, which shall be held after their said terms shall have respectively expired. The returns for the said first election of governor and lieutenant-governor, shall be made to the secretary, within fifteen days from the day of election, who shall, as soon as may be, examine and count the same in the presence of at least two judges of the court of appeals, or district courts, and shall declare who are the persons thereby duly elected and give them official notice of their election: and if any persons shall be equal and highest on the poll, the said judges and secretary shall determine the election by lot.

Sec. 6. This constitution, except so much thereof as is therein otherwise directed, shall not be in force, until the first day of June, in the year eighteen hundred; on which day the whole thereof shall take full and complete effect.

Done in convention at Frankfort, the seventeenth day of August, one thousand seven hundred and ninety-nine, and of the Independence of the United States of America, the twenty-fourth.

ALEXANDER S. BULLIT, P. C.
Member from Jefferson.

Bourbon.
John Allen,
Charles Smith,
Robert Wilmot,
James Duncan,
William Griffith,
Nathaniel Rogers,
William Sudduth.
Christian.
Young Ewing.
Fayette.
John Breckenridge,
John M'Dowell,
John Bell,
H. Harrison,
B. Thurston,
Walter Carr.
Franklin.
Harry Innis,
John Logan.
Flemming.
George Stockton.
Garrard.
William M. Bledsoe.
Green.
William Casey.
Harrison.
Henry Coleman,
William Elliot Boswell,
Mason.
Philemon Thomas,
Breckin.
Philip Buckner.
Campbell.
Thomas Sandford.
Clarke.
Robert Clark,
R. Hickman,
Thomas Marshal, jun.
Joshua Baker.
Mercer.
Peter Brunner,
John Adair,
Thomas Allen,
Samuel Taylor.
Madison.
Green Clay,
Thomas Clay,
William Irvine.
Montgomery.
Jilson Payne.
Nelson.
John Rowan,
Richard Prather,
Nicholas Minor.
Shelby.
Benjamin Logan,
Abraham Owen.
Jefferson.
Richard Taylor.
Jessamine.
John Price.
Lincoln.
William Logan,
N. Huston.
Logan.
John Bailey,
Reuben Ewing.
Scott.
William Henry,
Robert Johnson.
Woodford.
Caleb Wallace,
William Steel.
Washington.
Felix Grundy,
Robert Abell.
Warren.
Alexander Davidson.

Constitution of Tennessee.

The Constitution of the state of Tennessee, unanimously established in Convention, at Knoxville, on the sixth day of February, one thousand seven hundred and ninety-six.

We, the people of the territory of the United States, south of the river Ohio, having the right of admission into the general government, as a member state thereof, consistent with the constitution of the United States, and the act of session of the state of North Carolina, recognizing the ordinance for the government of the territory of the United States north-west of the river Ohio, do ordain and establish the following constitution or form of government: and do mutually agree with each other to form ourselves into a free and independent state, by the name of *the state of Tennessee.*

ARTICLE I.

Section I. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both dependent on the people.

II. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such a manner as shall be directed by law; the number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, apportioned among the several counties, according to the number of taxable inhabitants in each; and shall never be less than twenty-two, nor greater than twenty-six, until the number of taxable inhabitants shall be forty thousand; and after that event, at such ratio that the whole number of representatives shall never exceed forty.

III. The number of senators shall, at the several periods of making the enumeration beforementioned, be fixed by the legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

IV. The senators shall be chosen by districts, to be formed by the legislature, each district containing such a number of taxable inhabitants, as shall be entitled to elect not more than three senators. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

V. The first election for senators and representatives, shall commence on the second Thursday of March next, and shall continue for that, and the succeeding day; and the next election shall commence on the first Thursday of August, one thousand seven hundred and ninety-seven, and shall continue on that and the succeeding day; and forever thereafter, elections shall be held once in two years, commencing on the first Thursday in August, and terminating the succeeding day.

VI. The first session of the general assembly shall commence on the last Monday of March next. The second on the third Monday of September, one thousand seven hundred and ninety-seven. And forever thereafter, the general assembly shall meet on the third Monday of September next ensuing the then election, and at no other period, unless as provided for by this constitution.

VII. That no person shall be eligible to a seat in the general assembly unless he shall have resided three years in the state, and one year in the county immediately preceding the election, and shall possess in his own right in the county which he represents, not less than two hundred acres of land, and shall have attained to the age of twenty-one years.

VIII. The senate and house of representatives, when assembled, shall each chose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments from day to day. Two-thirds of each house shall constitute a quorum to do business: but a smaller number may adjourn from day to day, and may be authorised by law, to compel the attendance of absent members.

IX. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same offence, and shall have all other powers necessary for the legislature of a free state.

X. Senators and representatives, shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly and in going to, and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

XI. Each house may punish, by imprisonment, during their session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behaviour in their presence.

XII. When vacancies happen in either house, the governor for the time being, shall issue writs of election to fill such vacancies.

XIII. Neither house shall, during their session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses shall be sitting.

XIV. Bills may originate in either house, but may be amended, altered, or rejected by the other.

XV. Every bill shall be read three times, on three different days, in each house, and be signed by the respective speakers before it becomes a law.

XVI. After a bill has been rejected, no bill containing the same substance, shall be passed into a law during the same session.

XVII. The style of the laws of this state shall be, *Be it enacted by the general assembly of the state of Tennessee.*

XVIII. Each house shall keep a journal of its proceedings, and publish them except such parts as the welfare of the state may require to be kept secret. And the *yeas* and *nays* of the members on any question, shall at the request of any two of them, be entered on the journals.

XIX. The doors of each house, and committees of the whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

XX. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and four, *to wit:*

The governor not more than seven hundred and fifty dollars.

The judges of the supreme courts not more than six hundred dollars each.

The secretary not more than four hundred dollars.

The treasurer or treasurers not more than *four per cent.* for receiving and paying out all monies.

The attorney or attornies for the state shall receive a compensation for their services, not exceeding fifty dollars for each superior court which he shall attend.

No member of the legislature shall receive more than one dollar and seventy-five cents per day, nor more for every twenty-five miles he shall travel in going to, and returning from the general assembly.

XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

XXII. No person who heretofore hath been, or hereafter may be a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury all sums for which he may be accountable or liable.

XXIII. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the general assembly: nor shall any person in this state, hold more than one lucrative office at one and the same time; provided that no appointment in the militia, or the office of a justice of the peace, shall be considered as a lucrative office.

XXIV. No member of the general assembly shall be eligible to any office or place of trust, except to the office of a justice of the peace, or trustee of any literary institution, where the power of appointment to such office or place of trust is vested in their own body.

XXV. Any member of either house of the general assembly, shall have liberty to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and the have reasons of his dissent entered on the journals.

XXVI. All lands liable to taxation, in this state, held by deed, grant, or entry, shall be taxed equal and uniform, in such manner, that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each: no freeman shall be taxed higher than one hundred acres, and no slave higher than two hundred acres, on each poll.

XXVII. No article manufactured of the produce of this state, shall be taxed otherwise than to pay inspection fees.

ARTICLE II.

I. The supreme executive power of this state, shall be vested in a governor.

II. The governor shall be chosen by the electors of the members of the general assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes, shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

III. He shall be at least twenty-five years of age, and possess a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public business of the United States, or of this state.

IV. The first governor shall hold his office until the fourth Tuesday of September, one thousand seven hundred and ninety-seven, and until another governor shall be elected and qualified to office; and forever after, the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified; but shall not be eligible more than six years in any term of eight.

V. 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.

VI. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

VII. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

VIII. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

IX. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them when assembled, the purpose for which they shall have been convened.

X. He shall take care that the laws shall be faithfully executed.

XI. He shall, from time to time, give to the general assembly, information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

XII. In case of his death, or resignation, or removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be qualified.

XIII. No member of congress, or person holding any office under the United States of this state, shall execute the office of governor.

XIV. When any officer, the right of whose appointment is by this constitution vested in the general assembly, shall, during the recess, die, or his office by other means become vacant, the governor shall have power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the legislature.

XV. There shall be a seal of the state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Tennessee.

XVI. All grants and commissions shall be in the name and by the authority of the state of Tennessee, be sealed with the state seal, and signed by the governor.

XVII. A secretary of this state shall be appointed and commissioned during the term of four years. He shall keep a fair register of all the official acts and proceedings of the governor; and shall, when, required lay the same, and all papers, minutes and vouchers relative thereto, before the general assembly, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

I. Every freeman of the age of twenty-one years, and upwards, possessing a freehold in the county wherein he may vote, and being an inhabitant of this state, and every freeman being an inhabitant of any one county in the state, six months immediately preceding the day of election, shall be entitled to vote for members of the general assembly, for the county in which he shall reside.

II. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from them.

III. All elections shall be by ballot.

ARTICLE IV.

I. The house of representatives shall have the sole power of impeachment.

II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation.

III. No person shall be convicted without the concurrence of two-thirds of the members of the whole house.

IV. The governor, and all civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit, under this state. The party shall, nevertheless, in all cases, be liable to indictment, trial, judgment and punishment, according to law.

ARTICLE V.

I. The judiciary power of this state shall be vested in such superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and establish.

II. The general assembly shall, by joint ballot of both houses, appoint judges of the several courts of law and equity, also an attorney or attornies for the state, who shall hold their respective offices during good behavior.

III. The judges of the superior court shall, at stated times, receive a compensation for their services, to be ascertained by law, but shall not be allowed any fees, or perquisites of office, nor shall they hold any other office or trust or profit under this state, or the States.

IV. The judges of the superior court shall be justices of oyer and terminer and general goal delivery throughout the state.

V. The judges of the superior and inferior courts shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

VI. The judges of the superior courts shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior court of record into the superior, on sufficient cause, supported by oath or affirmation.

VII. The judges or justices of the inferior courts of law shall have power, in all cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction into their court, on sufficient cause, supported by oath or affirmation.

VIII. No judge shall sit on the trial of any cause where the parties shall be connected with him by affinity or consanguinity, except by consent of parties. In case all the judges of the superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the state shall, in such case, specially commission three men, of law knowledge, for the determination thereof.

IX. All writs and other process, shall run, *In the name of the state of Tennessee;* and bear test, and be signed by the respective clerks. Indictments shall conclude, *against the peace and dignity of the state.*

X. Each court shall appoint its own clerk, who may hold his office during good behavior.

XI. No fine shall be laid on any citizen of this state, that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

XII. There shall be justices of the peace appointed for each county, not exceeding two for each captain's company, except for the company which includes the county town, which shall not exceed three, who shall hold their offices during good behavior.

ARTICLE VI.

There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years. They shall also have power to appoint one register and ranger for the county, who shall hold their offices during good behavior. The sheriff and coroner shall be commissioned by the governor.

II. There shall be a treasurer or treasurers appointed for the state, who shall hold his or their offices for two years.

III. The appointment of all officers, not otherwise directed by this constitution, shall be vested in the legislature.

ARTICLE VII.

I. Captains, subalterns, and non-commissioned officers, shall be elected by those citizens, in their respective districts, who are subject to military duty.

II. All field officers of the militia shall be elected by those citizens in their respective counties who are subject to military duty.

III. Brigadiers-general shall be elected by the field officers of their respective brigades.

IV. Majors-general shall be elected by the brigadiers and field officers of the respective divisions.

V. The governor shall appoint the adjutant-general; the majors-general shall appoint their aids; the brigadiers-general shall appoint their brigade-majors, and the commanding-officers of regiments, their adjutants and quarter-masters.

VI. The captains and the subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the districts shall be appointed by the said captains and subalterns, provided that whenever any new county is laid off, that the field officers of said cavalry shall appoint the captain and other officers therein, *pro tempore*, until the company is filled up and completed, at which time the election of the captains and subalterns shall take place as aforesaid.

VII. The legislature shall pass laws, exempting citizens, belonging to any sect, or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE VIII.

I. Whereas the ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the legislature.

II. No person who denies *the being of God or a future state of rewards and punishments*, shall hold any office in the civil department of this state.

ARTICLE IX.

I. That every person who shall be chosen or appointed to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

II. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation to support the constitution of this state, and also the following oath:

I. A. B. do solemnly swear (or affirm) that, as a member of this

general assembly, I will, in all appointments vote without favor, affection, partiality, or prejudice, and that I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people, or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this state.

III. Any elector who shall receive any gift or reward for his vote, in *meat, drink, money*, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such further punishment as the legislature shall direct.

IV. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than six hundred and twenty-five square miles. Nor shall any new county be laid off, of less contents. All new counties, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law, for the establishment of a new county, except upon a petition to the general assembly for that purpose, signed by two hundred of the free male inhabitants within the limits or bounds of such [illegible]unty prayed to be laid off.

ARTICLE X.

I. Knoxville shall be the seat of government, until the year one thousand eight hundred and two.

II. All laws and ordinances now in force and use in this territory, not inconsistent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the legislature.

III. That whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution.

IV. The declaration of rights hereto annexed, is declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE IX.—*Declaration of Rights.*

I. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace,

safety, and happiness: for the advancement of those ends, they have at all times an unalienable and indefeisible right to alter, reform or abolish the government in such manner as they may think proper.

II. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive to the good and happiness of mankind.

III. That all men have a natural and indefeisible right to worship *Almighty God* according to the dictates of their own conscience; that no man can of right be compelled to attend, erect or support, any place of worship, or to maintain any ministry against his consent, that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishments or modes of worship.

IV. That no religious test shall ever be required as a qualification to any office or public trust under this state.

V. That elections shall be free and equal.

VI. That the right of trial by jury shall remain inviolate.

VII. That the people shall be secure in their persons, houses papers, and possessions, from unreasonable searches and seizures, and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed or to seize any person or persons, not named, whose offences are *not* particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

VIII. That no freeman shall be taken, or imprisoned, or dissezed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his peers, or the law of the land.

IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his 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; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment, or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

X. That no person shall, for the same offence, be twice put in jeopardy of his life or limb.

XI. The laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

XII. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

XIII. That no person arrested, or confined in gaol, shall be treated with unnecessary rigor.

XIV. That no freeman shall be put to answer any criminal charge, but by presentment, indictment or impeachment.

XV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great. And 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.

XVI. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

XVII. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner, and in such courts as the legislature may by law direct, provided the right of bringing suit be limited to the citizens of this state.

XVIII. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

XIX. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publications of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

XX. That no retrospective laws, or law, impairing the obligation of contracts, shall be made.

XXI. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

XXII. That the citizens have a right in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by address or remonstrance.

XXIII. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

XXIV. That the sure and certain defence of a free pepole is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

XXV. That no citizen in this state, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

XXVI. That the freemen of this state have a right to keep and to bear arms for their common defence.

XXVII. That 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 prescribed by law.

XXVIII. That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent to be ascertained by law.

XXIX. That an equal participation of the free navigation of the Mississippi, is one of the inherent rights of the citizens of this state; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

XXX. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in this state.

XXXI. That the people residing south of French Broad and Holston, between the rivers Tennessee and the Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

XXXII. That the limits and boundaries of this state be ascertained, it is declared they are as hereafter mentioned; that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north—running thence along the extreme height of the said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe River and the waters of Rock creek to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to the place where Nolichuky river runs through the same; thence to the top of the Bald Mountain: thence along the extreme height of said mountain to the painted rock, on French Broad River; thence along the highest ridge of said mountain, to the place where it is called the Great-Iron or Smoky Mountain; thence along the extreme height of said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this state, as described in the act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters, lying west of the said line, as before mentioned, and contained within the chartered limits of the state of North Carolina, are within the boundaries and limits of this state, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation the bill of rights and constitution of North Carolina, the cession act of the said state and ordinance of the late congress, for the government of the territory northwest of the Ohio; provided, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act.

SCHEDULE.

I. That no inconvenience may arise from a change of the temporary to a permanent state government, it is declared, that all rights, actions, prosecutions, claims, and contracts, as well of indi-

viduals as of bodies corporate, shall continue, as if no change had taken place in the administration of government.

II. All fines, penalties and forfeitures, due and owing to the territory of the United States of America south of the river Ohio, shall enure to the use of the state. All bonds for performance, executed to the governor of the said territory, shall be and pass over to the governor of this state, and his successors in office, for the use of the state, or by him or them respectively to be assigned over to the use of those concerned, as the case may be.

III. The governor, secretary, judges, and brigadiers-general have a right, by virtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their several departments, until the said officers are superceded under the authority of this constitution.

IV. All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified.

V. The governor shall make use of his private seal, until a state seal shall be provided.

VI. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives: Provided that no new county shall be entitled to separate representation previous to taking the enumeration.

VII. That the next election for representatives and other officers, to be held for the county of Tennessee, shall be held at the house of *William Mills*.

VIII. Until a land office shall be opened so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and preemption: those who hold land by virtue of such claims, shall be eligible to serve in all capacities where a freehold is by this constitution made a requisite qualification.

Done in convention, at Knoxville, by unanimous consent, on the sixth day of February, in the year of our Lord, one thousand seven hundred and ninety-six, and of the Independence of the United States of America, the twentieth. In testimony of, we have hereunto subscribed our names.

WILLIAM BLOUNT, President.

Blount county.
David Craig,
James Greenaway,
Joseph Black,
James Houston,
Samuel Glass.

Davidson county.
John M'Nairy,
Andrew Jackson,
James Robertson,
Thomas Hardiman,
Joel Lewis.

Sullivan county.
George Rutledge,
William C. C. Claiborne,
Richard Gammon,
John Shelby, jun.
John Rhea.

Green county.
Samuel Frazier,
Stephen Brooks,
William Rankin,
Elisha Baker,
John Galbreath.

Jefferson county.
Alexander Outlaw,
Joseph Anderson,
George Doherty,
James Roddye,
Archibald Roane.

Sevier county.
Peter Bryan,
Samuel Wier,

Summer county.
David Shelby,
Isaac Walson,
W. Douglass,
Edward Douglass,
Daniel Smith.

Tennessee county.
Thomas Johnson,
James Ford,
William Fort,
William Prince,
Robert Prince.

Washington county.
John Tipton,
Samuel Handy,
Lecroy Taylor,
Landon Carter,
James Stuart.

Knox county.
James White,
Charles M'Clung,
John Crawford,
John Adair.

Attest, WILLIAM MECHLIN, Secretary.

CONTSTITUTION

OF THE STATE OF OHIO.

Done in Convention begun and held at Chilicothe, on Monday the first of November, A. D. 1802, *and of the Independence of the United States, the twenty-seventh.*

WE, the people of the eastern division of the territory of the United States north-west of the river Ohio, having the right of admission into the general government, as a member of the union, consistent with the constitution of the United States, the ordinance of congress of one thousand seven hundred and eighty-seven, and the law of congress, entitled "An act to enable the people of the eastern division of the territory of the United States north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of *The state of Ohio.*

ARTICLE I.

Sec. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

Sec. 2. Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enu-

meration of all the white male inhabitants above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-two thousand, and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six nor exceed seventy-two.

Sec. 3. The representatives shall be chosen annually by the citizens of each county respectively, on the second Tuesday of October.

Sec. 4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

Sec. 5. The senators shall be chosen biennially by qualified voters for representatives; and on their being convened in consequence of the first election, they shall be divided by lot from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half thereof, as near as possible, may be annually chosen forever thereafter.

Sec. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one third, nor more than one half of the number of representatives.

Sec. 7. No person shall be a senator, who has not arrived at the age of thirty years, and is a citizen of the United States, shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall moreover have paid a state or county tax.

Sec. 8. The senate and house of representatives when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sec. 9. Each house shall keep a journal of its proceedings and publish them; the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

Sec. 10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they

may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

Sec. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free and independent state.

Sec. 12. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies.

Sec. 13. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 14. Each house may punish by imprisonment during their session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence, provided such imprisonment shall not, at any one time, exceed twenty-four hours.

Sec. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

Sec. 16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

Sec. 17. Every bill shall be read on three different days in each house, unless in case of urgency three fourths of the house where such bill is so depending, shall deem it expedient to dispense with this rule: and every bill having passed both houses, shall be signed by the speakers of their respective houses.

Sec. 18. The style of the laws of this state shall be, "*Be it enacted by the general assembly of the state of Ohio.*"

Sec. 19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit: the governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars; no member of the legislature shall receive more than two dollars per day during his attendance on the legislature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

Sec. 20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

Sec. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Sec. 22. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws annually.

Sec. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two-thirds of all the senators.

Sec. 24. The governor and all other civil officers under this state shall be liable to impeachment for any misdemeanor in office, but judgment in such cases, shall not extend further than removal from office and disqualification to hold any office of honor, profit, or trust under this state. The party whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 25. The first session of the general assembly shall commence on the first Tuesday of March next, and forever after the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law, or provided for by this constitution.

Sec. 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff, or collector, member of either house of congress, or person holding any lucrative office under the United States, or this state, provided that the appointments in the militia or justices of the peace shall not be considered lucrative offices, shall be eligible as a candidate for, or have a seat in the general assembly.

Sec. 27. No person shall be appointed to any office within any county, who shall not have been a citizen and inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if the county shall not been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 28. No person who heretofore hath been or hereafter may be, a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have accounted for and paid into the treasury, all sums for which he may be accountable or liable.

ARTICLE II.

Sec. 1. The supreme executive power of this state shall be vested in a governor.

Sec. 2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly.—Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

Sec. 3. The first governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office, and forever after the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified, but he shall not be eligible more than six years in the term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next preceding his election.

Sec. 4. He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

Sec. 6. 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. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. When an officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the legislature.

Sec. 9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

Sec. 10. 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.

Sec. 11. In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

Sec. 12. In case of the death, impeachment, resignation, or the removal of the governor from office, the speaker of the senate shall exercise the office of governor, until he be acquitted, or another governor shall be duly qualified. In case of impeachment of the speaker of the senate, or his death, removal from office, resignation, or absence from the state, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

Sec. 13. No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor.

Sec. 14. There shall be a seal of this state, which shall be kept by the governor and used by him officially, and shall be called *The great seal of the state of Ohio.*

Sec. 15. All grants and commissions shall be in the name and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

Sec. 16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well; he shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE III.

Sec. 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time establish.

Sec. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law: provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

Sec. 3. The several courts of common pleas shall consist of a president and associate judges. The state shall be divided, by law, into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years.

Sec. 4. The judges of the supreme court and court of common pleas, shall have complete criminal jurisdiction, in such cases and in such manner as may be pointed out by law.

Sec. 5. The court of common pleas in each county, shall have jurisdiction of all probate and testamentary matters, granting administration, and the appointment of guardians, and such other cases as shall be prescribed by law.

Sec. 6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective circuits, and

the judges of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective counties.

Sec. 8. The judges of the supreme court, the presidents, and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

Sec. 9. Each court shall appoint its own clerk for the term of seven years, but no person shall be appointed clerk except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court, that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts.

Sec. 10. The supreme court shall be held once a year, in each county, and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law.

Sec. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall from time to time, be regulated and defined by law.

Sec. 12. The style of all process shall be, *The state of Ohio*; and all prosecutions shall be carried on in the name and by the authority of the state of Ohio, and all indictments shall conclude, *against the peace and dignity of the same.*

ARTICLE IV.

Sec. 1. In all elections all white male inhabitants above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid or are charged with a state or county tax, shall enjoy the right of an elector, but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

Sec. 2. All elections shall be by ballot.

Sec. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same.

Sec. 4. The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury, or any other infamous crime.

Sec. 5. Nothing contained in this article shall be so construed as to prevent white male persons above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector.

ARTICLE V.

Sec. 1. Captains and subalterns in the militia shall be elected

by those persons in their respective company districts subject to military duty.

Sec. 2. Majors shall be elected by the captains and subalterns of the battalion.

Sec. 3. Colonels shall be elected by the majors, captains, and subalterns of the regiment.

Sec. 4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

Sec. 5. Majors general and quarter masters general shall be appointed by joint ballot of both houses of the legislature.

Sec. 6. The governor shall appoint the adjutant general. The majors general shall appoint their aids and other division officers; the brigadiers their majors; the brigade majors their staff officers; commanders of regiments shall appoint their adjutants, quarter-masters, and other regimental staff officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

Sec. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI.

Sec. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof, who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

Sec. 2. The state treasurer and auditor shall be triennially appointed by a joint ballot of both houses of the legislature.

Sec. 3. All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

Sec. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

Sec. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of the state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and this state, and also an oath of office.

Sec. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow, any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

Sec. 3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

Sec. 4. Chilicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state voting for representatives have voted for a convention, the general assembly shall, at their next session, call a convention to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same places, and by the same electors that choose the general assembly who shall meet within three months after the said election, for the purpose of revising, amending, or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

Sec. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are hereafter mentioned—that is to say, bounded on the east by the Pennsylvania line, on the south by the Ohio river to the mouth of the Great Miami river, on the west by the line drawn due north from the mouth of the Great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid; provided always, and it is hereby fully understood, and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far south, that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, east of the mouth of the Miami river of the lake, then and in that case, with the assent of the congress of the United States, the northern boundary of this state shall be established by, and extending to, a direct line running from the southerly extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid, thence north east to the territorial, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognised, and for ever unalterably established, *we declare*,

Sec. 1. That all men are born equally free and independent, and have certain, natural, inherent, and unalterable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government being founded on their sole authority, and organized for the purpose of protecting their liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform, or abolish, their government, whenever they may deem it necessary.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted, nor shall any male person, arrived at the age of twenty-one years, nor female person arrived at the age of eighteen years, be holden to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received or to be received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed out of this state, or if made in the state where the term of service exceeds one year, to be of the least validity, except those given in the case of apprenticeships.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their conscience; that no human authority can in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; and that no preference shall ever be given by law to any religious society or mode of worship; and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge being essentially necessary to the good government and happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

Sec. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

Sec. 5. That the people shall be secure in their persons, houses, papers, and possessions, from all unwarrantable searches and seizures; and that general warrants whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

Sec. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write, or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 7. That all courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

Sec. 8. That the right of trial by jury shall be inviolate.

Sec. 9. That no power suspending the laws shall be exercised, unless by the legislature.

Sec. 10. That no person arrested or confined in jail, shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment, or impeachment.

Sec. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his 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; to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offence.

Sec. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

Sec. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

Sec. 14. All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do with the highest offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

Sec. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

Sec. 17. That no person shall be liable to be transported out of this state for any offence committed within the state.

Sec. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

Sec. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct

their representatives, and to apply to the legislature for redress of grievances.

Sec. 20. That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

Sec. 21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporeal punishment under the military law.

Sec. 22. That no soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

Sec. 23. That the levying taxes by the poll is grievous and oppressive, therefore the legislature shall never levy a poll tax for county or state purposes.

Sec. 24. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred by this state.

Sec. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges; and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students, and teachers of every grade, without any distinction, or preference whatever, contrary to the intent for which the said donations were made.

Sec. 26. That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies in each surveyed township which now is, or may hereafter be formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by congress for the support of religion, agreeably to the ordinance or act of congress, making the appropriation.

Sec. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates real and personal, for the support of their schools, academies, colleges, universities, and other purposes.

Sec. 28. To guard against the transgressions of the high powers which we have delegated, we declare that all powers not hereby delegated, remain with the people.

SCHEDULE.

Sec. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties, and forfeitures, due and owing to the territory of the United States north west of the river Ohio,

shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity, in the territory, shall pass over to the governor, or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

Sec. 3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superceded under the authority of this constitution.

Sec. 4. All laws and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect, until repealed by the legislature, except so much of the act, entitled "An act regulating the admission and practice of attornies and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

Sec. 5. The governor of the state shall make use of his private seal, until a state seal be procured.

Sec. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory; and the members of the general assembly, sheriffs, and coroners then elected, shall continue to exercise the duties of their respective offices, until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

Sec. 7. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Clermont, one senator and two representatives; the county of Adams, one senator and three representatives; the county of Ross, two senators and four representatives; the county of Fairfield, one senator and two representatives; the county of Washington, two senators and three representatives; the county of Belmont, one senator and two representatives; the county of Jefferson, two senators and four representatives; and the county of Trumbull, one senator and two representatives.

Done in convention at Chilicothe, on the 29th day of November, 1802, and of the independence of the United States of America the twenty-seventh.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN. President,
and representative from the county of Ross.

Adams County.
Jos. Darlington,
Israel Donaldson,
Tho. Kirker.
Belmont County.
James Caldwell,
Elijah Woods.
Clermont County.
Philip Gatch,
James Sargent.
Fairfield County.
Henry Abrams,
Em. Carpenter.
Hamilton County.
John. W. Browne,
Charles W. Byrd,
Fra. Dunlavy,
Wm. Goforth,
John Kitchell,
Jer. Morrow,
John Paul,
John Reily,
John Smith,
John Wilson.
Jefferson County.
Rudolph Bear,
Geo. Humphry,
John Milligan,
Nath. Updegraff,
Baz. Wells.
Ross County
Mich. Baldwin,
James Grubb,
Nath. Massie,
T. Worthington.
Trumbull County.
David Abbot,
Sam. Huntington.
Washington County.
Eph. Cutler,
Ben. Ives Gilman,
John M'Intire,
Rufus Putnam.

Attest, THO. SCOTT, Secretary.

CONSTITUTION OF THE STATE OF LOUISIANA.

(Now Orleans Territory.)

To the Senate and House of Representatives of the United States.

At the request of the convention assembled in the territory of Orleans, on the 22d day of November last, I transmit to congress the proceedings of that body, in pursuance of the act, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states, and for other purposes." JAMES MADISON.

March 3d, 1812.

In convention, January 28th, 1812.

SIR—The representatives of the people of the territory of Orleans, in convention assembled, have now the honor to submit to the consideration of congress, the constitution, or form of government, the result of their joint deliberations, under the act, providing for the admission of this country into the Union of the states.

Motives of peculiar urgency, connected with the repose and security of the people of this territory, have induced them to solicit of the executive, that the constitution herewith transmitted may be immediately laid before congress, so as to be acted on without delay, at their present session. The anticipated change in the government of this territory, has had a tendency to produce a considerable relaxation in some of the most important departments thereof. Provided the adoption of the new form should be delayed to a distant period, serious injuries and inconveniences to the people are apprehended. The convention, therefore, beg leave to express to congress, through the executive, their most earnest solicitude for as speedy a provision against such a state of things, as may comport with the other national duties of that body.

With great respect, we have the honor to be, sir, your excellency's most obdient servants. J. POYDRAS,

President of the Convention.

By unanimous order of the Convention.

Attest, ELIGIUS FROMENTIN,

Secretary to the Convention.

The President of the U. States.

We, the representatives of the people of the territory of Orleans, having convened for the purpose of framing a constitution and state government, as a member of the union, agreeably to an act of congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the union, on an equal footing with the original states, and for other purposes."

Wherefore, in conformity to the said act, and in behalf of the said people of the territory of Orleans, we declare that the constitution of the United States of America, and every article thereof is hereby adopted by this convention.

Done in convention, at New-Orleans, this twenty-second day of November, one thousand eight hundred and eleven, and of the Independence of the United States of America the thirty-sixth.

By unanimous order of the Convention.

J. POYDRAS,
President of the Convention.
ELIGIUS FROMENTIN,
Secretary of the Convention.

Constitution or form of government of the state of Louisiana.

We, the representatives of the people of all that part of the territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the 30th day of April, 1803, between the United States and France, contained in the following limits, to wit: Beginning at the mouth of the river Sabine; thence by line, to be drawn along the middle of said river, including all islands to the thirty-second degree of latitude; thence due north, to the northernmost part of the thirty-third degree of north latitude; thence along the said parallel of latitude, to the river Mississippi; thence down the said river to the river Iberville, and from thence along the middle of the said river and lakes Maurepas and Pontchartrain, to the gulph of Mexico; thence bounded by the said gulph to the place of beginning, including all islands within three leagues of the coast; in convention assembled, by virtue of an act of congress, entitled "an act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of the said state into the Union on an equal footing with the original states, and for other purposes;" in order to secure to all the citi-

zens thereof the enjoyment of the rights of life, liberty and property, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the state of Louisiana.

ARTICLE 1.—*Concerning the distribution of the powers of government.*

Sec. 1. The powers of the government of the state of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are legislative, to one; those which are executive to another, and those which are judiciary to another.

Sec. 2. No person, or collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE II.—*Concerning the Legislative Department.*

Sec. 1. The legislative power of this state shall be vested in two distinct branches; the one to be called the house of representatives the other the senate; and both together the general assembly of the state of Louisiana.

Sec. 2. The members of the house of representatives shall continue in service for the term of two years, from the day of the commencement of the general election.

Sec. 3. Representatives shall be chosen on the first Monday in July, every two years; and the general assembly shall convene on the first Monday in January, in every year, unless a different day be appointed by law; and their sessions shall be held at the seat of government.

Sec. 4. No person shall be a representative who, at the time of his election, is not a free white male citizen of the United States, and hath not attained the age of twenty-one years, and resided in this state two years next preceeding his election, and the last year thereof in the county of which he may be chosen or in the district for which he is elected, in case the said counties may be divided into separate districts of election, and has not held for one year, in the said county or district, landed property to the value of five hundred dollars, agreeably to the tax list.

Sec. 5. Elections for representatives for the several counties, entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper from time to time to divide any or all of those counties.

Sec. 6. Representation shall be equal and uniform in this state; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year one thousand eight hundred and thirteen, and every four years thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than twenty-five nor more than fifty.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free white male citizen of the United States, who, at the time being, hath attained to the age of twenty-one years, and resided in the county in which he offers to vote one year next preceding the election, and who in the last six months prior to the said election shall have paid a state tax, shall enjoy the rights of an elector: *Provided, however*, That every free white male citizen of the United States, who shall have purchased lands from the United States, shall have the right of voting whenever he shall have the other qualifications of age and residence above prescribed. Electors shall, in all cases except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, or returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled, shall have the power to choose its officers annually.

Sec. 10. The state shall be divided into fourteen senatorial districts, which shall forever remain indivisible, as follows: The parish of St. Bernard and Plaquemine, including the country above as far as the canal (des pecheurs) on the east of the Mississippi, and on the west as far as Bernudy's canal, shall form one district. The city of New-Orleans beginning at the Nuns' Plantation above, and extending below as far as the abovementioned canal (des pecheurs) including the inhabitants of the Bayou St. John, shall form the second district. The remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, Lafourche, Iberville, Point Coupee, Concordia, Attackapas, Opelousas, Rapides, Nachitoches and Ouachitta, shall each form one district, and each district shall elect a senator.

Sec. 11. At the first session of the general assembly after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, and of the second class at the expiration of the fourth year, so and a rotation shall be chosen every two years, that one-half thereby be kept up perpetually.

Sec. 12. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of twenty-seven years; resided in this state four years next preceding his election, and one year in the district in which he may be chosen: and unless he holds within the same a landed property of the value of one thousand dollars agreeably to the tax list.

Sec. 13. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter there shall be a biennial election of senators to fill the places of those whose time of service may have expired.

Sec. 14. Not less than a majority of the members of each house of the general assembly shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorised by law to compel the attendance of absent members, in such manner and under such penalties as may be prescribed thereby.

Sec. 15. Each house of the general assembly shall judge of the

qualifications, elections and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

Sec. 16. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behavior; and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

Sec. 17. Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on their journal.

Sec. 18. Neither house, during the session of the general assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 19. The members of the general assembly shall severally receive from the public treasury a compensation for their services, which shall be four dollars per day, during their attendance at, going to, and returning from the sessions of their respective houses. *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of representatives by whom such alteration shall have been made.

Sec. 20. The members of the general assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sec. 21. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during the time such senator or representative was in office, except to such offices or appointments as may be filled by the elections of the people.

Sec. 22. No person, while he continues to exercise the functions of a clergyman, priest, or teacher, of any religious persuasion, society or sect, shall be eligible to the general assembly, or to any office of profit or trust under this state.

Sec. 23. No person, who at any time may have been a collector of taxes for the state, or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public monies for which he may be responsible.

Sec. 24. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon; unless in case of urgency four-fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 25. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills: *Provided*, That they shall not introduce any new matter, under the color of an amendment, which does not relate to raising a revenue.

Sec. 26. The general assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE III.—*Concerning the Executive Department.*

Sec. 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Louisiana.

Sec. 2. The governor shall be elected for the term of four years, in the following manner: the citizens entitled to vote for representatives shall vote for a governor at the time and place of voting for representatives and senators. Their votes shall be returned by the persons presiding over the elections to the seat of government, addressed to the president of the senate; and on the second day of the general assembly the members of the two houses shall meet in the house of representatives, and immediately after, the two candidates who shall have obtained the greatest number of votes shall be balloted for, and the one having a majority of votes shall be governor: *Provided however*, That if more than two candidates have obtained the highest number of votes, it shall be the duty of the general assembly to ballot for them in the manner above prescribed: and in case several candidates should obtain an equal number of votes next to the candidate who has obtained the highest number, it shall be the duty of the general assembly to select in the same manner the candidate who is to be balloted for with him who has obtained the highest number of votes.

Sec. 3. The governor shall be ineligible for the succeeding four years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years preceding his election, and shall hold in his own right a landed estate of five thousand dollars value agreeably to the tax list.

Sec. 5. He shall commence the execution of his office on the fourth Monday succeeding the day of his election, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oath or affirmation prescribed by this constitution.

Sec. 6. No member of congress or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor.

Sec. 7. 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. 8. He shall be commander in chief of the army and navy of this state, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field unless he shall be advised so to do by a resolution of the general assembly.

Sec. 9. He shall nominate and appoint, with the advice and consent of the senate, judges, sheriffs, and all other officers whose offices are established by this constitution, and whose appointments

are not herein otherwise provided for: *Provided however*, That the legislature shall have a right to prescribe the mode of appointment of all other offices to be established by law.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the recess of the legislature, by granting commissions which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves and pardons, with the approbation of the senate. In cases of treason he shall have power to grant reprieves, until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

Sec. 13. He shall from time to time give to the general assembly information respecting the situation of the state, and recommend to their consideration such measures as he may deem expedient.

Sec. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. It shall be his duty to visit the different counties at least once in every two years, to inform himself of the state of the militia and of the general condition of the country.

Sec. 17. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted.

Sec. 18. The president of the senate, during the time he administers the government, shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

Sec. 19. A secretary of state shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well; he shall keep a fair register, and attest all official acts and proceedings of the governor; and shall when required, lay the same and all papers, minutes and vouchers, relative thereto, before either house of the general assembly; and shall perform such other duties as may be enjoined him by law.

Sec. 20. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated; who shall enter the objections at large upon their journal, and proceed to reconsider it; if, after such reconsideration, two thirds of all the members elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of all the members elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively; if any bill shall not be returned by the governor within ten days [Sundays excepted] after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. 21. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him; or being disapproved shall be repassed by two thirds of both houses.

Sec. 22. The free white men of this state shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 23. The militia of this state shall be organized in such manner as may hereafter be deemed most expedient by the legislature.

ARTICLE IV.—*Concerning the Judiciary Department.*

Sec. 1. The judiciary power shall be vested in a supreme court and inferior courts.

Sec. 2. The supreme court shall have appellate jurisdiction only which jurisdiction shall extend to all civil cases when the matter in dispute shall exceed the sum of three hundred dollars.

The supreme court shall consist of not less than three judges, nor more than five; the majority of whom shall form a quorum; each of said judges shall receive a salary of five thousand dollars annually. The supreme court shall hold its sessions at the places hereinafter mentioned; and for that purpose the state is hereby divided into two districts of appellate jurisdiction, in each of which the supreme court shall administer justice in the manner hereafter prescribed. The eastern district to consist of the counties of New Orleans, German Coast, Acadia, Lafourche, Iberville and Point Coupee. The western district to consist of the counties of Attakapas, Oppelousas, Rapides, Concordia, Natchitoches, and Ouachitta. The supreme court shall hold its sessions in each year, for the eastern district in December, January, February, March, April, May, June, and July; and for the western district at the Oppelousas during the months of August, September, and October, for 5 years. *Provided however*, that every five years the legislature may change the place of holding said court in the western district. The said court shall appoint its own clerks.

Sec. 4. The legislature is authorised to establish such inferior courts as may be convenient to the administration of justice.

Sec. 5. The judges both of the supreme and inferior courts shall hold their offices during good behaviour; but for any reasonable cause which shall not be sufficient ground for impeachment, the governor shall remove any of them, on the address of three fourths

of each house of the general assembly: *Provided however*, that the cause or causes for which such removal may be required shall be stated at length in the address, and inserted on the journal of each house.

Sec. 6. The judges, by virtue of their office shall be conservators of the peace throughout the state; the style of all process shall be "The state of Louisiana." All prosecutions shall be carried on in the name and by the authority of the state of Louisiana, and conclude against the peace and dignity of the same.

Sec. 7. There shall be an attorney general for the state, and as many other prosecuting attornies for the state as may be hereafter found necessary. The said attornies shall be appointed by the governor with the advice and approbation of the senate.—Their duties shall be determined by law.

Sec. 8. All commissions shall be in the name and by the authority of the state of Louisiana, and sealed with the state seal, and signed by the governor.

Sec. 9. The state treasurer, and printer or printers of the state, shall be appointed, annually, by the joint vote of both houses of the general assembly: *Provided*, that during the recess of the same, the governor shall have power to fill vacancies which may happen in either of the said offices.

Sec. 10. The clerks of the several courts shall be removable for breach of good behaviour, by the court of appeals only, who shall be judge of the fact as well as of the law.

Sec. 11. The existing laws in this territory, when this constitution goes into effect, shall continue to be in force until altered or abolished by the legislature: *Provided however*, that the legislature shall never adopt any system or code of laws, by a general reference to the said system or code: but in all cases, shall specify the several provisions of the laws it may enact.

Sec. 12. The judges of all courts within this state shall, as often as it may be possible so to do, in every definite judgment, refer to the particular law, in virtue of which such judgment is founded.

ARTICLE V.—*Concerning Impeachment.*

Sec. 1. The power of impeachment shall be vested in the house of representatives alone.

Sec. 2. All impeachments shall be tried by the senate; when sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

Sec. 3. The governor and all the civil officers shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this state; but the parties convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VI.—*General Provisions.*

Sec. 1. Members of the general assembly, and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me, as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of this state: so help me God."

Sec. 2. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his confession in open court.

Sec. 3. Every person shall be disqualified from serving as governor, senator, or representative, for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

Sec. 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrag shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

Sec. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law; nor shall any appropriation of money for the support of an army be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public monies, shall be published annually.

Sec. 6. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 7. All civil officers for the state at large shall reside within the state, and all district or county officers, within their respective districts or counties, and shall keep their respective offices at such places therein, as may be required by law.

Sec. 8. The legislature shall determine the time of duration of the several public offices, when such time shall not have been fixed by this constitution; and all civil officers, except the governor and judges of the superior and inferior courts, shall be removable by an address of two-thirds of the members of both houses, except those, the removal of whom has been otherwise provided for by this constitution.

Sec. 9. Absence on the business of this state, or of the U. States, shall not forfeit a residence once obtained, so as to deprive any one of the rights of suffrage, or of being elected or appointed to any office under this state, under the exceptions contained in this constitution.

Sec. 10. It shall be the duty of the general assembly to regulate by law, in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

Sec. 11. Return of all elections for the members of the general assembly shall be made to the secretary of state for the time being.

Sec. 12. The legislature shall point out the manner in which a man coming into the country shall declare his residence.

Sec. 13. In all elections by the people, and also by the senate and house of representatives, jointly or separately, the votes shall be given by ballot.

Sec. 14. No member of congress, nor person holding or exercising any office of trust or profit, under the United States, or either of them, or under any foreign powers, shall be eligible as a member of the general assembly of this state, or hold or exercise any office of trust or profit, under the same.

Sec. 15. All laws that may be passed by the legislature of the state of Louisiana, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

Sec. 16. The general assembly shall direct by law, how persons who now are, or may hereafter become securities for public officers, may be returned or discharged on account of such securityship.

Sec. 17. No power of suspending the laws of this state, shall be exercised, unless by the legislature, or its authority.

Sec. 18. In all criminal prosecutions, the accused shall have the right of being heard by himself or counsel; of demanding the nature and cause of the accusation against him; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

Sec. 19. All prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended; unless, when, in cases of rebellion or invasion, the public safety may require it.

Sec. 20. No ex post facto law, nor any law impairing the obligation of contracts, shall be passed.

Sec. 21. Printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of the government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty.

Sec. 22. Emigration from the state shall not be prohibited.

Sec. 23. The citizens of the town of New-Orleans shall have the right of appointing the several public officers necessary for the administration and the police of the said city, pursuant to the mode of election, which shall be prescribed by the legislature: *Provided*, That the mayor and recorder shall be ineligible to a seat in the general assembly.

Sec. 24. The seat of government shall continue at New-Orleans, until removed by law.

Sec. 25. All laws contrary to this constitution shall be null and void.

ARTICLE VII.—*Mode of revising the Constitution*

Sec. 1. When experience shall point out the necessity of amending this constitution, and a majority of all the members elected to each house of the general assembly shall, within the first twenty days of their stated annual session, concur in passing a law, specifying the alterations intended to be made, for taking the sense of the good people of this state, as to the necessity and expediency of calling a convention, it shall be the duty of the several returning officers, at the next general election which shall be held for representatives after the passage of such law, to open a poll for, and make return to the secretary for the time being, of the names of all those entitled to vote for representatives, who have voted for calling a convention; and if thereupon it shall appear that a majority of all the citizens of this state, entitled to vote for representatives, have voted for a convention, the general assembly shall direct, that a similar poll shall be opened, and taken for the next year; and if thereupon it shall appear that a majority of all the citizens of this state, entitled to vote for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention to consist of as many members as there shall be in the general assembly, and no more; to be chosen in the same manner and proportion, at the same places, and at the same time that representatives are, by citizens entitled to vote for representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending, or changing this constitution. But if it shall appear, by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for representatives, did not vote for a convention, a convention shall not be called.

SCHEDULE.

Sec. 1. That no inconveniences may arise from the change of a territorial to a permanent state government, it is declared by the convention, that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government, in virtue of the laws now in force.

Sec. 2. All fines, penalties and forfeitures, due and owing to the territory of Orleans shall inure to the use of the state. All bonds executed to the governor or any other officer in his official capacity in the territory, shall pass over to the governor, or to the officers of the state and their successors in office, for the use of the state, by him or by them to be respectively assigned over to the use of those concerned as the case may be.

Sec. 3. The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of the constitution.

Sec. 4. All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature.

Sec. 5. The governor of this state shall make use of his private seal, until a state seal be procured.

Sec. 6. The oaths of office herein directed to be taken may be administered by any justice of the peace, until the legislature shall otherwise direct.

Sec. 7. At the expiration of the time after which this constitution is to go into operation, or immediately after official information shall have been received that congress have approved of the same, the president of the convention shall issue writs of election to the proper officers in the different counties, enjoining them to cause an

election to be held for governor and members of the general assembly, in each of their respective districts. The election shall commence on the fourth Monday following the day of the president's proclamation, and shall take place on the same day throughout the state. The mode and duration of the said election shall be determined by the laws now in force: *Provided, however*, That in case of absence or disability of the president of the convention, to cause the said election to be carried into effect, the secretary of the convention shall discharge the duties hereby imposed on the president, and that in case of the absence of the secretary, a committee of Messrs. Blanque, Brown and Urquhart, or a majority of them, shall discharge the duties herein imposed on the secretary of the convention; and the members of the general assembly thus elected, shall assemble on the fourth Monday thereafter at the seat of government. The governor and members of the general assembly, for this time only, shall enter upon the duties of their respective offices, immediately after their election, and shall continue in office in the same manner, and during the same period they would have done had they been elected on the first Monday of July, 1812.

Sec. 8. Until the first enumeration shall be made, as directed in the sixth section of the second article of this constitution, the county of New-Orleans shall be entitled to six representatives, to be elected as follows: one by the first senatorial district within the said county, four by the second district, and one by the third district; the county of German Coast to two representatives; the county of Acadia to two representatives; the county of Iberville to two representatives; the county of Lafourche to two representatives, to be elected as follows: one by the parish of Assumption, and the other by the parish of the Interior; the county of Rapides to two representatives; the county of Nachitoches to one representative; the county of Concordia to one representative; the county of Ouachitta to one representative; the county of Opelousas to two representatives; the county of Attakapas to three representatives, to be elected as follows: two by the parish of St. Martin, and the third by the parish of St. Mary; and the respective senatorial districts, created by this constitution, to one senator each.

Done in convention, at New-Orleans, the 22d day of the month of January, in the year of our Lord 1812, and of the independence of the United States of America the 36th.

J. POYDRAS, *President of the Convention.*

Orleans County.
J. D. Degoutin Bellesschase,
J. Blanque,
F. J. Le Breton D'Orgenoy,
Mgre. Guichard,
S. Henderson,
P. Denis de la Ronde,
F. Livaudais,
Bernard Marigny,
Thomas Urquhart,
J. Villere,
John Watkins,
Samuel Winter.

Bela Hubbard, junior,
St. Martin,
H. S. Thibodaux.

Pointe Coupee County.
S. Hiriart.

Rapides County.
Robert Hall,
T. F. Oliver,
Levi Wells.

Nachitoches County.
P. Bossier Prud'homme.

German Coast County.
James Brown,
J. N. Destrehan,
Andre La Branche.

Acadia County.
Michel Cantrelle,
L. M. Reynaud,
G. Roussin.

Iberville County.
Amand Hebert,
Wm. Wikoff, junior.

Lafourche County.
Wm. Goforth,

Attest,

Concordia County.
James Dunlap,
D. B. Morgan.

Ouachitta County.
Henry Bry.

Opelousas County.
Allen B. Magruder,
D. J. Sutton,
John Thompson.

Attakapas County.
Louis De Blanc,
Henry Johnson,
W. C. Maquille,
Charles Olivier,
Alexander Porter, junior.

ELIGIUS FROMENTIN.
Secretary to the Convention.

AN ORDINANCE relating to the public lands of the United States, and the lands of the non-resident proprietors, citizens of said states, within the territory of Orleans.

BE it ordained, by the representatives of the people of the territory of Orleans in convention assembled, agreeably to an act of congress, entitled "An act to enable the people of the territory of Orleans to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes," that the people inhabiting the said territory do agree and declare, that they do forever disclaim all right or title to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States.

And be it further ordained, by the authority aforesaid, that each and every tract of land sold by congress, shall be and remain exempt from any tax, laid by the order, or under the authority of the state of Louisiana, whether for state, county, township, parish, or any other purpose whatever, for the term of five years, from and after the respective days of the sales thereof; and that the lands belonging to the citizens of the United States, residing without the said state, shall never be taxed higher than the lands belonging to persons residing therein: and that no taxes shall be imposed on lands the property of the United States.

And be it further ordained, by the authority aforesaid, that this ordinance shall never be revoked, without the consent of the United States in congress assembled being first obtained for that purpose.

By the unanimous order of the convention,

J. POYDRAS.
President of the Convention.
ELIGIUS FROMENTIN.
Secretary to the Convention.

Done in convention, at New-Orleans, this 28th day of January, in the year of our Lord 1812, and of the independence of the United States, the 36th.