

Full text of the 1816 Constitution

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PREAMBLE

We the Representatives of the people of the Territory of Indiana, in Convention met, at Corydon, on monday the tenth day of June in the year of our Lord eighteen hundred and sixteen, and of the Independence of the United States, the fortieth, 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 Indiana Territory 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" 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 Indiana.

ARTICLE I.

Sect. 1st. That the general, great and essential principles of liberty and free Government may be recognized and unalterably established; WE declare, That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying

and defending life and liberty, and of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

Sect. 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 indefeasible right to alter or reform their Government in such manner as they may think proper.

Sect. 3. That all men have a natural and indefeasible 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 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 societies, or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

Sect. 4. That elections shall be free and equal.

Sect. 5. That in all civil cases, when the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases, except in petit misdemeanors which shall be punished by fine only, not exceeding three dollars, in such manner as the Legislature may prescribe by law; the right of trial by Jury shall remain inviolate.

Sect. 6th. That no power of suspending the operation of the laws, shall be exercised, except by the Legislature, or its authority.

Sect. 7th. 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 a just compensation being made therefor.

Sec. 8. The rights of the people, to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated: and no warrant shall issue, but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sect. 9th. 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.

Sect. 10. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or when the matter published is proper for the 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.

Sect. 11. 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.

Sect. 12. That no person arrested, or confined in Jail, shall be treated with unnecessary rigour, or be put to answer any criminal charge, but by presentment Indictment, or impeachment.

Sect. 13. 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, and to have a copy thereof; to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favour, 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 be twice put in jeopardy for the same offence.

Sect. 14. That all persons shall beailable 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, in case of rebellion or invasion, the public safety may require it.

Sect. 15. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

Sect. 16. All penalties shall be proportioned to the nature of the offence.

Sect. 17. 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.

Sect. 18. 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.

Sect. 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.

Sect. 20. That the people have a right to bear arms for the defence of themselves, and the state; and that the military shall be kept in strict subordination to the civil power.

Sect. 21. 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.

Sect. 22. That the Legislature shall not grant any title of nobility, or hereditary distinctions, nor create any office, the appointment to which, shall be for a longer term than good behaviour.

Sect. 23. That emigration from the state shall not be prohibited.

Sect. 24. To guard against any encroachments on the rights herein retained, we declare, that every thing in this article, is excepted out of the general powers of Government, and shall forever remain inviolable.

ARTICLE II

The powers of the Government of Indiana 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: 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 the instances herein expressly permitted.

ARTICLE III

Sect. 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.

Sect. 2. The General Assembly may, within two years after their first meeting, and shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made, of all the white male inhabitants above the age of twenty-one years. The number of Representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, 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-five, nor greater than thirty-six, until the number of white male inhabitants 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 one hundred.

Sect. 3. The Representatives shall be chosen annually, by the qualified electors of each County respectively, on the first Monday of August.

Sect. 4. No person shall be a Representative, unless he shall have attained the age of twenty-one years, and shall be a Citizen of the united States, and an inhabitant of this state, and shall also have resided within the limits of the County, in which he shall be chosen, one year next preceeding his election; if the County shall have been so long erected, but if not, then within the limits of the County or Counties out of which it shall have been taken; 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.

Sect. 5. The Senators shall be chosen for three years, on the first Monday in August, by the 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 three classes; the seats of the senators of the first class shall be vacated at the expiration of the first year; & 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 thereof, as near as possible, may be annually chosen forever thereafter.

Sect. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the General Assembly, 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.

Sect. 7. No person shall be a senator, unless he shall have attained the age of twenty-five years, and shall be a Citizen of the united States, and shall, next preceeding the election, have resided two years in the state, the last twelve months of which, in the County or district in which he may be elected; if the county or district shall have been so long erected, but if not, then within the limits of the County, or Counties, district or districts, out of which the same shall have been taken; 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.

Sect. 8. The house of Representatives, when assembled, shall choose a Speaker, and its other officers, and the Senate shall choose its officers, except the president; and each shall 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.

Sect. 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 request of any two of them, be entered on the Journals.

Sect. 10. Any one member of either house, shall have liberty to dissent from, and protest against any act or resolution, which he may think injurious to the public, or any individual or individuals, and have the reason of his dissent entered on the Journals.

Sect. 11. 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 cause; and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Sect. 12. When vacancies happen in either branch of the General Assembly, the Governor, or the person exercising the power of Governor, shall issue writs of election to fill such vacancies.

Sect. 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, or returning from the same; and for any Speech or debate in either house, they shall not be questioned in any other place.

Sect. 14. Each house may punish, by imprisonment, during their Session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly, or contemptuous behaviour in their presence; provided such imprisonment shall not, at any one time, exceed twenty-four hours.

Sect. 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, may 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.

Sect. 16. Bills may originate in either house, but may be altered, amended or rejected by the other.

Sect. 17. Every bill shall be read on three different days in each house, unless, in case of urgency, two-thirds of the house, when such bill may be depending, shall deem it expedient to dispense with this rule: And every bill having passed both houses, shall be signed by the president and speaker of their respective houses.

Sect. 18. The style of the laws of this State shall be, "Be it enacted by the General assembly of the State of Indiana."

Sect. 19. All bills for raising revenue shall originate in the house of Representatives, but the senate may amend or reject, as in other bills.

Sect. 20. No person, holding any office under the authority of the President of the United States, or of this State, Militia officers excepted, shall be eligible to a seat in either branch of the General Assembly; unless he resign his office, previous to his election; nor shall any member of either branch of the General Assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the General Assembly: Provided That nothing, in this constitution, shall be so construed, as to prevent any member of the first Session of the first General Assembly from accepting any office, that is created by this constitution, or the Constitution of the united States, and the salaries of which are established.

Sect. 21. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Sect. 22. An accurate Statement of the receipts and expenditures of the public money shall be attached to, and published with the laws, at every annual session of the General Assembly.

Sect. 23. The house of Representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in such 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 a majority of all the senators elected.

Sect. 24. The Governor, and all civil officers of the State, shall be removed from office, on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors; but Judgment in such cases, shall not extend further than removal from office, and disqualification to hold any office of honour, 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.

Sect. 25. The first session of the General Assembly shall commence on the first Monday of November next, and forever after, the General Assembly shall meet on the first Monday in December, in every year, and at no other period, unless directed by law, or provided for by this Constitution.

Sect. 26. No person, who hereafter may be a collector, or holder of public money, 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.

ARTICLE IV

Sect. 1st. The Supreme Executive power of this State shall be vested in a Governor, who shall be styled, the Governor of the State of Indiana.

Sect. 2. The Governor shall be chosen by the qualified electors, on the first monday in August, 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 house of Representatives, who shall open and publish them in the presence of both houses 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 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 General assembly and formed and regulated in such manner as shall be directed by law.

Sect. 3. The Governor shall hold his office during three years, from and after the third day of the first session of the General assembly, next ensuing his election, and until a successor shall be chosen and qualified, and shall not be capable of holding it longer than six years in any term of nine years.

Sect. 4. He shall be at least thirty years of age, and shall have been a citizen of the united States ten years, and have resided in the State five years next preceeding his Election; unless he shall have been absent on the business of the State, or of the United States; provided that this shall not disqualify any person from the office of Governor, who shall be a citizen of the United States, and Shall have resided in the Indiana Territory two years next preceeding the adoption of this Constitution.

Sect. 5. No member of Congress, or person holding any office under the united States, or this State, shall exercise the office of Governor, or Lieutenant Governor.

Sect. 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.

Sect. 7. 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.

Sect. 8. He shall nominate, and, by and with the advice and consent of the senate, appoint and commission all officers, the appointment of which is not otherwise directed by this Constitution, and all offices which may be created by the General Assembly, shall be filled in such manner as may be directed by law.

Sect. 9. Vacancies that may happen in offices, the appointment of which is vested in the Governor, and senate, or in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting Commissions that shall expire at the end of the next Session.

Sect. 10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachments.

Sect. 11. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sect. 12. He shall, from time to time, give to the General Assembly information of the affairs of the State, and recommend to their consideration, such measures as he shall deem expedient.

Sect. 13. He may, in extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders, and in case of a 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 time of their next annual Session.

Sect. 14. He shall take care that the laws be faithfully executed.

Sect. 15. 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.

Sect. 16. He shall, by virtue of his office, be President 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.

Sect. 17. In case of 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 powers and authority appertaining to the office of Governor, until another be duly qualified, or the Governor absent, or impeached, shall return, or be acquitted.

Sect. 18. Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the senate, the senate shall elect one of their own members as president 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 President of the senate pro tem, shall in like manner administer the Government, until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor, while he acts as president of 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, and no more.

Sect. 19. The President *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, and no more.

Sect. 20. 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 of State, for the time being, to convene the Senate for the purpose of choosing a president *pro tempore*.

Sect. 21. A secretary of state shall be chosen by the joint ballot of both houses of the General Assembly, and be commissioned by the Governor for four years, or until a new secretary be chosen and qualified. 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.

Sect. 22. Every bill, which shall have passed both houses of the General assembly, shall be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it have originated, who shall enter the objections at large upon their Journals 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 likewise be reconsidered, 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 five 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 adjournment prevents its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sect. 23. Every resolution, to which the concurrence of both houses may be necessary, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Sect. 24. There shall be elected, by joint ballot of both houses of the General Assembly, a Treasurer, and Auditor, whose powers and duties shall be prescribed by law, and who shall hold their offices three years, and until their successors be appointed and qualified.

Sect. 25. There shall be elected in each County, by the qualified electors thereof, one Sheriff, and one Coroner, at the times and places of holding elections for members of the General assembly. They shall continue in office two years, and until successors shall be chosen and duly qualified: provided, that no person shall be eligible to the office of sheriff more than four years in any term of six years.

Sect. 26. 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 seal of the State of Indiana.

ARTICLE V

Sect. 1st. The Judiciary power of this State, both as to matters of law and equity, shall be vested in one Supreme Court, in Circuit Courts, and in such other inferior Courts, as the General Assembly may from time to time, direct and establish.

Sect. 2nd. The Supreme Court shall consist of three Judges, any two of whom shall form a quorum, and shall have appellate Jurisdiction only which shall be co-extensive with the limits of the State, under such restrictions, and regulations, not repugnant to this constitution, as may from time to time be prescribed by law. Provided nothing in this article shall be so construed, as to prevent the General Assembly from giving the Supreme Court original Jurisdiction in Capital cases, and cases in chancery, where the President of the Circuit Court, may be interested or prejudiced.

Sect. 3rd. The Circuit Courts shall each consist of a President, and two associate Judges. The State shall be divided by law into three circuits, for each of which, a president shall be appointed, who during his continuance in office, shall reside therein. The President and associate Judges, in their respective Counties, shall have Common law and chancery Jurisdiction, as also complete criminal Jurisdiction, in all such cases and in such manner, as may be prescribed by law. The President alone, in the absence of the associate Judges, or the President and one of the associate Judges, in the absence of the other shall be competent to hold a Court, as also the two associate Judges, in the

absence of the President, shall be competent to hold a Court, except in capital cases, and cases in chancery, provided, that nothing herein contained, shall prevent the General Assembly from increasing the number of circuits, and Presidents, as the exigencies of the State may from time to time require.

Sect. 4. The Judges of the supreme Court, the Circuit, and other inferior Courts, shall hold their offices during the term of seven years, if they shall so long behave well, and shall at stated times receive for their services, a compensation which shall not be diminished during their continuance in office.

Sect. 5. The Judges of the Supreme Court shall by virtue of their offices, be conservators of the peace throughout the State, as also the Presidents of the Circuit Courts, in their respective Circuits, and the associate Judges in their respective Counties.

Sect. 6. The Supreme Court shall hold its sessions at the seat of Government, at such times as shall be prescribed by law: And the circuit Courts shall be held in the respective Counties as may be directed by law.

Sect. 7. The Judges of the supreme Court shall be appointed by the Governor, by and with the advice, and consent of the senate. The Presidents of the circuit Courts shall be appointed by Joint Ballot of both branches of the General Assembly, and the associate Judges of the Circuit Courts, shall be elected by the qualified electors in the respective Counties.

Sect. 8. The supreme Court shall appoint its own Clerk, and the clerks of the circuit Court, in the several Counties, shall be elected by the qualified electors, in the several Counties, but no person shall be eligible to the office of clerk of the Circuit Court in any County, unless he shall first have obtained, from one or more of the Judges of the Supreme Court, or from one or more of the Presidents of the Circuit Courts, a certificate that he is qualified to execute the duties of the office of Clerk of the circuit Court; provided that nothing herein Contained shall prevent the circuit Courts in each County, from appointing a clerk pro tem, until a qualified Clerk may be duly elected, and provided also, that the said clerks respectively when qualified, and elected, shall hold their offices seven years, and no longer, unless re-appointed.

Sect. 9. All clerks shall be removable by impeachment as in other cases.

Sect. 10. When any vacancies happen in any of the Courts occasioned by the death, resignation, or removal from office of any Judge of the supreme, or Circuit Courts, or any of the clerks of the said Courts, a successor shall be appointed in the same manner, as herein before prescribed, who shall hold his office for the period which his predecessor had to serve, and no longer unless reappointed.

Sect. 11. The style of all process shall be "The State of Indiana." All prosecutions shall be carried on in the name and by the authority of the State of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

Sect. 12. 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 five years, if they shall so long behave well, whose powers, and duties shall, from time to time, be regulated and defined by law.

ARTICLE VI

Sect. 1st. In all elections, not otherwise provided for by this constitution, every white male Citizen of the united States, of the age of twenty-one years and upwards, who has resided in the State, one year immediately preceeding such election, shall be entitled to vote in the County where he resides; except such as shall be enlisted in the army of the united States or their allies.

Sect. 2. All elections shall be by ballot; provided that the General Assembly may, if they deem it more expedient at their Session in eighteen hundred and twenty-one, change the mode so as to vote *viva voce*, after which time it shall remain unalterable.

Sect. 3. Electors shall in all cases, except treason, felony, or breach of the peace, be free from arrest, in going to, during their attendance at, and in returning home from elections.

Sect. 4. The General Assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous crime.

Sect. 5. Nothing in this article shall be so construed as to prevent citizens of the united States, who were actual residents at the time of adopting this constitution, and who, by the existing laws of this Territory are entitled to vote or persons who have been absent from home on a visit, or necessary business, from the privilege of electors.

ARTICLE VII

Sect. 1st. The Militia of the State of Indiana shall consist of all free able bodied male persons; Negroes, Mulattoes and Indians excepted, resident in the said state, between the ages of eighteen, and forty-five years, except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State; and shall be armed, equipped, and trained, as the general Assembly may provide by law.

Sect. 2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do Militia duty; provided such person or persons shall pay an equivalent for such exemption; which equivalent shall be collected annually, by a civil officer, and be hereafter fixed by law, and shall be equal as near as may be, to the lowest fines assessed on those privates in the Militia, who may neglect or refuse to perform Militia duty.

Sect. 3. Captains and subalterns shall be elected by those persons in their respective Company districts, who are subject to perform Militia duty, and the captain of each Company shall appoint the non-commissioned officers to said company.

Sect. 4. Majors shall be elected by those persons within the bounds of their respective Battalion districts, subject to perform Militia duty, and Colonels shall be elected by those persons within the bounds of their respective Regimental districts, subject to perform Militia duty.

Sect. 5. Brigadier Generals shall be elected by the commissioned officers within the bounds of their respective brigades, and Major Generals shall be elected by the Commissioned officers within the bounds of their respective Divisions.

Sect. 6. Troops and squadrons of Cavalry, and companies of Artillery riflemen, grenadiers, or light infantry, may be formed in the said state, in such manner as shall be prescribed by law: provided, however, that every troop or squadron of Cavalry, company of Artillery, riflemen, grenadiers, or light infantry which may hereafter be formed within the said state, shall elect their own officers.

Sect. 7. The Governor shall appoint the adjutant general, and quarter-master generals, as also his aids de camp.

Sect. 8. Major Generals shall appoint their aids de camp, and all other Division Staff officers; Brigadier Generals shall appoint their Brigade Majors, and all other Brigade Staff officers; and Colonels shall appoint their Regimental Staff officers.

Sect. 9. All militia officers shall be commissioned by the Governor, and shall hold their Commissions during good behaviour, or until they arrive at the age of sixty years.

Sect. 10. The General Assembly shall, by law, fix the method of dividing the militia of the said State, into Divisions, Brigades, Regiments, Battalions, and Companies, and shall also fix the rank of all staff officers.

ARTICLE VIII

Sect. 1. Every twelfth year, after this constitution shall have taken effect, at the general election held for Governor there shall be a poll opened, in which the qualified Electors of the State shall express, by vote, whether they are in favour of calling a convention, or not, and if there should be a majority of all the votes given at such election, in favour of a convention, the Governor shall inform the next General Assembly thereof, whose duty it shall be to provide, by law, for the election of the members to the convention, the number thereof, and the time and place of their meeting; which law shall not be passed unless agreed to by a majority of all the members elected to both branches of the General assembly, and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as the holding any part of the human Creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or involuntary servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

ARTICLE IX

Sect. 1st. 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 this end, it shall be the duty of the General Assembly to provide, by law, for the improvement of such lands as are, or hereafter may be granted, by the united States to this state, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarters to the accomplishment of the grand object for which they are or may be intended. But no lands granted for the use of schools or seminaries of learning shall be sold by authority of this state, prior to the year eighteen hundred and twenty; and the monies which may be raised out of the sale of any such lands, or otherwise obtained for the purposes aforesaid, shall be and remain a fund for the exclusive purpose of promoting the interest of Literature, and the sciences, and for the support of seminaries and public schools. The General Assembly shall from, time to time, pass such laws as shall be calculated to encourage intellectual, Scientifical, and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures, and natural history; and to countenance and encourage the principles of humanity, honesty, industry, and morality.

Sect. 2. It shall be the duty of the General assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

Sect. 3. And for the promotion of such salutary end, the money which shall be paid, as an equivalent, by persons exempt from militia duty except, in times of war, shall be exclusively, and in equal proportion, applied to the support of County seminaries; also all fines assessed for any breach of the

penal laws, shall be applied to said seminaries, in the Counties wherein they shall be assessed.

Sect. 4. It shall be the duty of the General assembly, as soon as circumstances will permit, to form a penal Code, founded on the principles of reformation, and not of vindictive Justice: and also to provide one or more farms to be an asylum for those persons, who by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and beneficence of society; on such principles, that such persons may therein, find employment, and every reasonable comfort and lose, by their usefulness, the degrading sense of dependence.

Sect. 5. The General Assembly, at the time they lay off a new County, shall cause, at least, ten per cent to be reserved out of the proceeds of the sale of town lots, in the seat of Justice of such county, for the use of a public library for such County, and at the same session, they shall incorporate a library company, under such rules and regulations as will best secure its permanence, and extend its benefits.

ARTICLE X

Sect. 1st. There shall not be established or incorporated, in this state, any Bank or Banking company or monied institution, for the purpose of issuing bills of credit, or bills payable to order or bearer; Provided that nothing herein contained shall be so construed as to prevent the General assembly from establishing a State Bank, and branches, not exceeding one branch for any three Counties, and be established at such place, within such Counties, as the directors of the State Bank may select; provided there be subscribed, and paid in specie, on the part of individuals, a sum equal to thirty thousand dollars: Provided also, that the Bank at Vincennes, and the Farmers' and Mechanics' Bank of Indiana, at Madison, shall be considered as incorporated Banks, according to the true tenor of the charters granted to said Banks, by the Legislature of the Indiana Territory: Provided that nothing herein contained shall be so construed as to prevent the General Assembly from adopting either of the aforesaid Banks as the State Bank: and in case either of them shall be adopted as the State Bank, the other may become a branch, under the rules and regulations herein before prescribed.

ARTICLE XI

1st. Every person who shall be chosen, or appointed to any office of trust or profit, under the authority of this state, shall, before entering on the duties of said office, take an oath or affirmation, before any person lawfully authorised to administer oaths, to support the constitution of the united States, and the constitution of this state, and also an oath of office.

2d. Treason against this state, shall consist only in levying war against it, in adhering to its enemies, or giving them aid and comfort.

3d. 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.

4th. 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 the most solemn appeal to God.

5th. Every person shall be disqualified from serving as Governor, Lieutenant 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, treat, or reward to procure his election.

6th. All officers shall reside within the state; and all District, County, or Town officers, within their respective Districts, Counties, or towns (the trustees of the town of Clarksville excepted) and shall keep their respective offices, at such places therein, as may be directed by law; and all Militia officers shall reside within the bounds of the Division, Brigade, Regiment, Battalion or company to which they may severally belong.

7th. 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 indenture of any negro or mulatto hereafter made, and executed out of the bounds of this state be of any validity within the state.

8th. No act of the General assembly shall be in force until it shall have been published in print, unless in cases of emergency.

9th. All commissions shall be in the name, and by the authority of the State of Indiana; and sealed with the State Seal, and signed by the Governor, and attested by the secretary of state.

10th. There shall be elected in each county a Recorder, who shall hold his office during the term of seven years, if he shall so long behave well: Provided that nothing herein contained shall prevent the clerks of the circuit Courts from holding the office of recorder.

11th. Corydon, in Harrison County shall be the seat of Government of the state of Indiana, until the year eighteen hundred and twenty-five, and until removed by law.

12. The General assembly, when they lay off any new county, shall not reduce the old county, or counties, from which the same shall be taken to a less content than four hundred square miles.

13. No persons shall hold more than one lucrative office at the same time, except as in this constitution is expressly permitted.

14. No person shall be appointed as a County officer, within any county, who shall not have been a citizen and an inhabitant therein one year next preceding his appointment; if the county shall have been so long erected, but if the county shall not have been so long erected, then within the limits of the county or counties, out of which it shall have been taken.

15. All town, and township officers shall be appointed in such manner as shall be directed by law.

16. The following officers of Government shall not be allowed greater annual salaries, until the year eighteen hundred and nineteen than as follows--The Governor one thousand dollars. The Secretary of State, four hundred dollars. The Auditor of public accounts four hundred dollars. The Treasurer four hundred dollars. The Judges of the supreme court eight hundred dollars each. The Presidents of the Circuit Courts eight hundred dollars each, and the members of the General assembly, not exceeding two dollars per day each, during their attendance on the same, and two dollars for every twenty five miles they shall severally travel on the most usual route, in going to, and returning from the General assembly: after which time their pay shall be regulated by law. But no law, passed to increase the pay of the members of the General assembly, shall take effect, until after the close of the session at which such law shall have been passed.

17. In order that the boundaries of the state of Indiana may more certainly be known & established; It is hereby ordained and declared, that the following shall be, and forever remain the boundaries of the said state to wit, Bounded on the east by the meridian line which forms the western boundary of the state of Ohio, On the south by the Ohio river, from the mouth of the Great Miami river, to the mouth of the river Wabash; On the west by a line drawn along the middle of the Wabash river from its mouth to a point, where a due north line drawn from the town of Vincennes, would last touch the northwestern shore of the said Wabash River; and from thence by a due north line until the same shall intersect an east and west line drawn through a point ten miles north of the southern extreme of lake Michigan; On the north by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

ARTICLE XII

Sect. 1st. That no evils or inconvenience 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, recognizances, contracts, and claims, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this Government.

Sect. 2. All fines penalties and forfeitures, due, and owing to the Territory of Indiana or any County therein, shall inure to the use of the State or County. All bonds executed to the Governor, or any other officer in his official Capacity in the Territory, shall pass over to the Governor or other officers of the State or County, and their successors in office, for the use of the State or County, or by him or them to be respectively assigned over to the use of those concerned as the cause may be.

Sect. 3. The Governor, secretary, and Judges, and all other officers both civil and military, 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.

Sect. 4. All laws and parts of laws now in force in this Territory not inconsistent with this constitution, shall continue and remain in full force and effect, until they expire or be repealed.

Sect. 5th. The Governor shall use his private seal, until a state seal be procured.

Sect. 6th. The Governor, secretary of state, auditor of public accounts, and Treasurer, shall severally reside and keep all the public records books, and papers in any manner relating to their respective offices, at the seat of Government; provided notwithstanding that nothing herein contained shall be so construed, as to affect the residence of the Governor for the space of six months, and until buildings suitable for his accommodation, shall be procured at the expence of the state.

Sect. 7th. All suits, pleas, complaints and other proceedings not depending in any Court of record or Justices Courts shall be prosecuted to final Judgement and execution and all appeals, writs of error certiorari injunction or other proceedings whatsoever, shall progress and be carried on in the respective Court or Courts in the same manner as is now provided by law, and all proceedings had therein in as full and complete a manner as if this constitution were not adopted. And appeals and writs of error may be taken from the circuit court, and General Court, now established in the Indiana Territory, to the supreme court, in such manner as shall be provided for by law.

Sect. 8. The President of this convention shall issue writs of election, directed to the several sheriffs of the several Counties, requiring them to cause an election to be held for a Governor, Lieutenant Governor, a Representative to the Congress of the united States, Members of the General Assembly, sheriffs and Coroners, at the respective election districts in each County on the first Monday in August next: which election shall be conducted in the manner prescribed by the existing election laws of the Indiana Territory; and the said Governor, Lieutenant Governor, members of the General Assembly, sheriffs and coroners, then duly elected, shall continue to exercise the duties of their respective offices for the time prescribed by this constitution and until their successor or successors are qualified, and no longer.

Sect. 9. Until the first enumeration shall be made, as directed by this constitution, the County of Wayne shall be entitled to one senator, and three Representatives; the County of Franklin, one senator, and three Representatives; the County of Dearborn, one senator, and two Representatives; the County of Switzerland, one Representative and the County of Jefferson and Switzerland one senator and the County of Jefferson two Representatives; the County of Clark one senator, and three Representatives; the County of Harrison one senator, and three Representatives; the Counties of Washington, Orange, and Jackson one senator and the County of Washington two Representatives; the Counties of Orange and Jackson one Representative each; the County of Knox one senator, and three Representatives; the County of Gibson one senator and two representatives; the Counties of Posey Warrick and Perry one senator, and each of the aforesaid Counties of Posey, Warrick, and Perry, one Representative.

Sect. 10. All books, records, documents, warrants and papers, appertaining and belonging to the office of the Territorial Treasurer of the Indiana Territory; and all monies therein, and all papers and documents in the office of the Secretary of said Territory, shall be disposed of as the General Assembly of this State may direct.

Sect. 11. All suits, actions, pleas, complaints, prosecutions, and causes whatsoever, and all records, Books, papers and documents now in the General Court, may be transferred to the supreme Court established by this constitution. And all causes, suits, actions, pleas, complaints, and prosecutions whatsoever, now existing or pending in the circuit Courts of this Territory, or which may be therein at the change of Government, and all records, books, papers and documents relating to the said suits, or filed in the said Courts, may be transferred over to the circuit Courts established by this constitution, under such rules and regulations, as the General Assembly may direct.

Done in Convention at Corydon, on the twenty ninth day of June in the year of our Lord eighteen hundred and sixteen, and of the Independence of the United States the fortieth.