

the said State, under the direction of the legislature thereof, and two-fifths to the making of a road or roads leading to the said State under the direction of Congress.

Fourth. That one entire township, which shall be designated by the President of the United States, in addition to the one heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of the said State, to be appropriated solely to the use of such seminary by the said legislature.

Fifth. That four sections of land be, and the same are hereby, granted to the said State, for the purpose of fixing their seat of government thereon, which four sections shall, under the direction of the legislature of said State, be located at any time, in such township and range as the legislature aforesaid may select, on such lands as may hereafter be acquired by the United States from the Indian tribes within the said Territory: *Provided,* That such locations shall be made prior to the public sale of the lands of the United States surrounding such location: *And provided always,* That the five foregoing propositions, herein offered, are on the conditions that the convention of the said State shall provide by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of December next, shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale.

APPROVED, April 19, 1816.

ORDINANCE ACCEPTING THE ENABLING ACT—1816.*

Be it ordained by 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, That we do, for ourselves and our posterity, agree, determine, declare, and ordain, that we will, and do hereby, accept the propositions of the Congress of the United States, as made and contained in their act of the nineteenth day of April, eighteen hundred and sixteen, entitled "An act to enable the people of the Indiana Territory to form a State government and constitution, and for the admission of such State into the Union, on an equal footing with the original States."

And we do further, for ourselves and our posterity, hereby ratify, confirm, and establish the boundaries of the said State of Indiana, as fixed, prescribed, laid down, and established in the act of Congress aforesaid; and we do also, further, for ourselves and our posterity, hereby agree, determine, declare, and ordain that each and every tract of land sold by the United States, lying within the said State, and which shall be sold from and after the first day of December next, shall be and remain exempt from any tax laid by order or under any authority of the said State of Indiana, or by or under the authority of the general assembly thereof, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale of any such tract of land; and we do, moreover, for ourselves and our posterity, hereby declare and ordain, that this ordinance, and every part thereof, shall forever be and remain irrevocable and inviolate, without the consent of the United States, in Congress assembled, first had and obtained for the alteration thereof, or any part thereof.

CONSTITUTION OF INDIANA—1816.

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 eight-

*Adopted at Corydon, June 29, 1816, by the convention which framed the first constitution of Indiana.

een 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.

SECTION 1. 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.

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 indefeasible right to alter or reform their government in such manner as they may deem proper.

SEC. 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.

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

SEC. 5. That in all civil cases, where the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases except in petit misdemeanors, which shall be punishable 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.

SEC. 6. That no power of suspending the operation of the laws shall be exercised, except by the legislature or its authority.

SEC. 7. 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 person or things to be seized.

SEC. 9. 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.

SEC. 10. 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 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.

SEC. 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.

SEC. 12. 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. 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 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 be twice put in jeopardy for the same offence.

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

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

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

SEC. 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.

SEC. 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.

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 a redress of grievances.

SEC. 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.

SEC. 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.

SEC. 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 behavior.

SEC. 23. That emigration from the State shall not be prohibited.

SEC. 24. To guard against any encroachments on the rights herein retained, we declare that everything 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.

SECTION 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. 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 enumerations, 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.

SEC. 3. The representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Monday of August.

SEC. 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 ; shall also have resided within the limits of the county in which he shall be chosen one year next preceding 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.

SEC. 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 ; and 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.

SEC. 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.

SEC. 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 preceding the election, have resided two years in this 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.

SEC. 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.

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 request of any two of them, be entered on the journals.

SEC. 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.

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 branch of the general assembly, the governor, or the person exercising the power of 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 or 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, 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.

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, two-thirds of the house where 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.

SEC. 18. The style of the laws of this State shall be, "*Be it enacted by the general assembly of the State of Indiana.*"

SEC. 19. All bills for raising revenue shall originate in the house of representatives, but the Senate may amend or reject as in other bills.

SEC. 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.

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, at every annual session of the general assembly.

SEC. 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.

SEC. 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 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 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.

SEC. 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.

SECTION 1. The supreme executive power of this State shall be vested in a governor, who shall be styled the governor of the State of Indiana.

SEC. 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 thereof.

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 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.

SEC. 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 this 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.

SEC. 4. He shall be at least thirty years of age, and shall have been a citizen of the United States for ten years, and have resided in the State five years next preceding his election; unless he shall have been absent on the business of this 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 preceding the adoption of this constitution.

SEC. 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.

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 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. 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.

SEC. 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.

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

SEC. 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.

SEC. 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.

SEC. 13. He may, on 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 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 the next annual session.

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

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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 tempore* 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.

SEC. 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.

SEC. 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*.

SEC. 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.

SEC. 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 shall 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 assembly, by its adjournment, prevents its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SECTION 1. 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.

SEC. 2. 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 coextensive 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.

SEC. 3. 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 the circuits and presidents, as the exigencies of the State may from time to time require.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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.

SEC. 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 tempore* 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 reappointed.

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

SEC. 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 hereinbefore prescribed, who shall hold his office for the period which his predecessor had to serve, and no longer, unless reappointed.

SEC. 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."

SEC. 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.

SECTION 1. 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 preceding 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.

SEC. 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.

SEC. 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 returning home from elections.

SEC. 4. The general assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous crime.

SEC. 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 privileges of electors.

ARTICLE VII.

SECTION 1. 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.

SEC. 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 militia who may neglect or refuse to perform military duty.

SEC. 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.

SEC. 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.

SEC. 5. Brigadiers-general shall be elected by the commissioned officers within the bounds of their respective brigades, and majors-general shall be elected by the commissioned officers within the bounds of their respective divisions.

SEC. 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.

SEC. 7. The governor shall appoint the adjutant-general and quartermaster-general, as also his aids-de-camp.

SEC. 8. Majors-general shall appoint their aids-de-camp, and all other division staff-officers; brigadiers-general shall appoint their brigade-majors, and all other brigade staff-officers; and colonels shall appoint their regimental staff-officers.

SEC. 9. All militia officers shall be commissioned by the governor, and shall hold their commissions during good behavior, or until they shall arrive at the age of sixty years.

SEC. 10. The general assembly shall, by law, fix the method of dividing the militia of the State into divisions, brigades, regiments, battalions, and companies, and shall also fix the rank of all staff-officers.

ARTICLE VIII.

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 favor of calling a convention or not; and if there should be a majority of all the votes given at such election, in favor 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.

SECTION 1. 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 quarter, 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 moneys 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 the public schools. The general assembly shall, from time to time, pass such laws as shall be calculated to encourage intellectual, scientific, 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, industry, and morality.

SEC. 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 graduation from township schools to a State university, wherein tuition shall be gratis, and equally open to all.

SEC. 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 proportions, 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.

SEC. 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.

SEC. 5. The general assembly, at the time they lay off a new county, shall cause at least 10 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.

SECTION 1. There shall not be established or incorporated in this State any bank or banking company, or moneyed 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, to 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 hereinbefore prescribed.

ARTICLE XI.

SECTION 1. 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 authorized to administer oaths, to support the Constitution of the United States, and the constitution of this State, and also an oath of office.

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

SEC. 3. 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. 4. 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.

SEC. 5. 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.

SEC. 6. 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.

SEC. 7. 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.

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

SEC. 9. 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.

SEC. 10. 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.

SEC. 11. 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.

SEC. 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.

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

SEC. 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.

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

SEC. 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.

SEC. 17. In order that the boundaries of the State of Indiana may more clearly be known and 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 the 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.

SECTION 1. That no evils or inconvenience may arise from the change of a territorial government to a permanent State government, it is declared by this constitution 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.

SEC. 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 case may be.

SEC. 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 superseded 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 force and effect until they expire or be repealed.

SEC. 5. The governor shall use his private seal until a State seal be procured.

SEC. 6. The governor, secretary of state, auditor of public accounts, and treasurer shall severally reside and keep 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 expense of the State.

SEC. 7. All suits, pleas, complaints, and other proceedings, now depending in any court of record, or justices' courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, *certiorari*, injunction, or other proceedings whatever, 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.

SEC. 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 governor, lieutenant-governor, 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.

SEC. 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.

SEC. 10. All books, records, documents, warrants, and papers appertaining and belonging to the office of territorial treasurer of the Indiana Territory, and all moneys 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.

SEC. 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.

In witness whereof we have hereunto subscribed our names.

JONATHAN JENNINGS, *President.*

WILLIAM HENDRICKS, *Secretary.*

RESOLUTION OF CONGRESS—1816.

Resolution for admitting the State of Indiana into the Union.

Whereas, in pursuance of an act of Congress passed on the nineteenth day of April, one thousand eight hundred and sixteen, entitled "An act to enable the people of the Indiana Territory to form a constitution and State government, and for the admission of that State into the Union," the people of the said Territory did, on the twenty-ninth day of June, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity with the principles of the articles of compact between the original States and the people and States in the territory northwest of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Indiana shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

APPROVED, December 11, 1816.

CONSTITUTION OF INDIANA—1851.

PREAMBLE.

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

ARTICLE I.

BILL OF RIGHTS.

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

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

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