

FIRST CONSTITUTION OF KENTUCKY.

(1792)

We, the representatives of the people of the State of Kentucky, in Convention assembled, do ordain and establish this Constitution for its government.

ARTICLE I.

§ 1. The powers of government shall be divided into three distinct departments, each of them to 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.

§ 2. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly permitted.

§ 3. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

§ 4. The Representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Tuesday in May; but the several elections may be continued for three days, if, in the opinion of the presiding officer or officers, it shall be necessary, and no longer.

§ 5. No person shall be a Representative who shall not have attained the age of twenty-four years, and have been a citizen and inhabitant of the State two years next preceding his election, and the last six months thereof an inhabitant of the county in which he may be chosen, unless he shall have been absent on the public business of the United States or of this State.

§ 6. Within two years after the first meeting of the General Assembly, and within every subsequent term of four years, an enumeration of the free male inhabitants above twenty-one years of age shall

be made, in such manner as may be directed by law. The number of Representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties according to the number of free male inhabitants above the age of twenty-one years in each, and shall never be less than forty nor greater than one hundred; but no county hereafter erected shall be entitled to a separate representation, until a sufficient number of free male inhabitants above the age of twenty-one years, shall be contained within it, to entitle them to one Representative agreeable to the ratio which shall then be established.

§ 7. The Senators shall be chosen for four years.

§ 8. Until the first enumeration be made, the Senate shall consist of eleven members, and thereafter for every four members added to the House of Representatives, one member shall be added to the Senate.

§ 9. In choosing the Senate, one member at least shall be elected from each county, until the number of counties is equal to the number of Senators; after which, when a new county is made, it shall, as to the choice of Senators, be considered as being a part of the county or counties from which it shall have been taken.

§ 10. The Senate shall be chosen in the following manner: All persons qualified to vote for Representatives shall, on the first Tuesday in May, in the present year, and on the same day in every fourth year forever thereafter, at the place appointed by law for choosing Representatives, elect by ballot, by a majority of votes, as many persons as they are entitled to have for Representatives for their respective counties, to be electors of the Senate.

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§ 11. No person shall be chosen an elector who shall not have resided in the State three years next before his election, and who shall not have attained the age of twenty-seven years.

§ 12. The electors of the Senate shall meet at such place as shall be appointed for convening the Legislature, on the third Tuesday in May in the present year, and on the same day in every fourth year forever thereafter; and they, or a majority of them, so met, shall proceed to elect, by ballot, as Senators, men of the most wisdom, experience, and virtue, above twenty-seven years of age, who shall have been residents of the State above two whole years next preceding the election. If on the ballot two or more persons shall have an equal number of ballots in their favor, by which the choice shall not be determined by the first ballot, then the electors shall again ballot before they separate, in which they shall be confined to the persons who, on the first ballot, shall have an equal number, and they who shall have the greatest number in their favor on a second ballot, shall be accordingly declared and returned duly elected; and if, on the second ballot, an equal number shall still be in favor of two or more persons, then the election shall be determined by lot between those who have equal numbers; which proceedings of the electors shall be certified under their hands, and returned to the secretary for the time being, to whom shall also be made by the proper officers returns of the persons chosen as electors in the respective counties.

§ 13. The electors of Senators shall judge of the qualifications and elections of members of their own body; and on a contested election, shall admit to a seat, as an elector, such qualified person as shall appear to them to have the greatest number of legal votes in his favor.

§ 14. The electors, immediately on their meeting, and before they proceed to the election of Senators, shall take an oath, or make affirmation of fidelity to this State, and also an oath of affirmation to elect without favor, affection, partiality, or prejudice, such person for Governor, and

such persons for Senators, as they in their judgment and conscience, believe best qualified for the respective offices.

§ 15. That in case of refusal, death, resignation, disqualification, or removal out of this State of any Senator, the Senate shall immediately thereupon, or at their next meeting thereafter, elect, by ballot, in the same manner as the electors are herein directed to choose Senators, another person in his place, for the residue of the said term of four years.

§ 16. The General Assembly shall meet on the first Monday in November, in every year, till the time of their meeting shall be altered by the Legislature, unless sooner convened by the Governor.

§ 17. Each House shall choose its Speaker and other officers, and the Senate shall also choose a Speaker *pro tempore*, when their Speaker shall exercise the office of Governor.

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

§ 19. 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.

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

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

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§ 22. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two Houses shall be sitting.

§ 23. The members of the General Assembly, and the electors of the Senate, shall receive from the public treasury a compensation for their services, which, for the present, shall be six shillings a day during their attendance on, going to, and returning from the Legislature, and the place for choosing the Senators; but the same may be increased or diminished by law, if circumstances shall require it; but no alteration shall be made, to take effect during the existence of the Legislature which shall make such alteration. They shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at the session of the respective Houses, and at the place for choosing Senators, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

§ 24. No Senator or Representative shall, during the time for which he shall have been elected, or for one year afterwards, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during the time such Senator or Representative was in office: *Provided*, That no member of the first Legislature, which shall be assembled under this Constitution, shall be precluded from being appointed to any office which may have been created during his time of service in the said Legislature; and no minister of religious societies, member of Congress, or other person holding any office of profit under the United States or this Commonwealth, except attorneys at law, justices of the peace, militia officers, and coroners, shall be a member of either House during his continuance to act as a minister, in Congress, or in office.

§ 25. When vacancies happen in the House of Representatives, the Speaker shall issue writs of election to fill such vacancies.

§ 26. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments as in other bills.

§ 27. Each Senator, Representative, and sheriff shall, before he be permitted to act as such, take an oath or make affirmation that he hath not, directly or indirectly, given or promised any bribe or treat to procure his election to the said office; and every person shall be disqualified from serving as a Senator, Representative, or sheriff for the term for which he shall have been elected, who shall be convicted of having given or offered any bribe or treat, or canvassed for the said office.

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

§ 29. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, except on a question of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

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ARTICLE II.

§ 1. The supreme executive power of this Commonwealth shall be vested in a Governor.

§ 2. The Governor shall be chosen by the electors of the Senate at the same time, at the same place, and in the same manner, that they are herein directed to elect Senators; and the said electors shall make return of their proceedings, in the choice of a Governor, to the Secretary for the time being.

§ 3. The Governor shall hold his office during four years from the first day of June next ensuing his election.

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

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

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

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

§ 8. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers, whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office, within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

§ 9. The Governor shall have power to fill up all vacancies that may happen dur-

ing the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 10. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment; in cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly, in whom the power of pardoning shall be vested.

§ 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.

§ 12. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall judge expedient.

§ 13. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

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

§ 15. In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor until another shall be duly qualified.

§ 16. An Attorney-General shall be appointed and commissioned during good behavior; he shall appear for the Commonwealth in all criminal prosecutions, and in all civil cases in which the Commonwealth shall be interested, in any of the superior courts; shall give his opinion when called upon for that purpose, by either branch of the Legislature, or by the Executive, and shall perform such other duties as shall be enjoined him by law.

§ 17. A Secretary shall be appointed and commissioned during the Governor's continuance in office, if he shall so long behave himself well; he shall keep a fair register of, 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 branch of the Legislature, and shall

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perform such other duties as shall be enjoined him by law.

ARTICLE III.

§ 1. In elections by the citizens, all free male citizens of the age of twenty-one years, having resided in the State two years, or the county in which they offer to vote one year next before the election, shall enjoy the rights of an elector; but no person shall be entitled to vote except in the county in which he shall actually reside at the time of the election.

§ 2. All elections shall be by ballot.

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

ARTICLE IV.

§ 1. The House of Representatives shall have the sole power of impeaching.

§ 2. All impeachments shall be tried by the Senate; when setting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

§ 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment according to law.

ARTICLE V.

§ 1. The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one supreme court, which shall be styled the Court of Appeals, and in such inferior courts as the Legislature may, from time to time, ordain and establish.

§ 2. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; but for any reasonable cause which shall not be sufficient

ground of impeachment, the Governor may remove any of them on the address of two-thirds of each branch of the Legislature. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office.

§ 3. The Supreme Court shall have original and final jurisdiction in all cases respecting the titles to land under the present land laws of Virginia, including those which may be depending in the present Supreme Court for the district of Kentucky, at the time of establishing of the said Supreme Court; and in all cases concerning contracts of land, prior to the establishing of those titles. And the said court shall have power to hear and determine the same in a summary way, and to direct the mode of bringing the same to a hearing, so as to enable them to do right and justice to the parties, with as little delay and at as small an expense as the nature of the business will allow; but the said court shall, in all such cases, oblige the parties to state the material parts of their complaint and defense in writing; and shall, on the conclusion of every cause, state on the records the whole merits of the case, the questions arising therefrom, the opinions of the court thereupon, and a summary of the reasons in support of those opinions.

§ 4. And it shall be the duty of each judge of the Supreme Court, present at the hearing of such cause, and differing from a majority of the court, to deliver his opinion in writing, to be entered as aforesaid; and each judge shall deliver his opinion in open court. And the said court shall have power, on the determination of any such case, to award the legal costs against either party or to divide the same among the different parties, as to them shall seem just and right. And the said court shall have full power to take such steps as they may judge proper, to perpetuate testimony in all cases concerning such titles: *Provided*, That a jury shall always be empaneled for the finding of such facts as are not agreed by the parties; unless the parties or their attorneys, shall waive their

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right of trial by jury, and refer the matter of fact to the decision of the court: *Provided also*, That the Legislature may, whenever they may judge it expedient, pass an act or acts to regulate the mode of proceedings in such cases, or to take away entirely the original jurisdiction hereby given to the said court in such cases.

§ 5. In all other cases the Supreme Court shall have appellate jurisdiction only, with such exceptions and under such regulations as the Legislature shall make; and the Legislature may, from time to time, vest in the Supreme and inferior courts, or either of them, such powers, both in law and equity, as they shall judge proper and necessary for the due administration of justice.

§ 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of both Houses of the Legislature.

§ 7. The judges shall by virtue of their office be conservators of the peace throughout the State. The style of all process shall be, "*The Commonwealth of Kentucky*:" all prosecutions shall be carried on in the name and by the authority of the Commonwealth of Kentucky, and conclude against the peace and dignity of the same.

ARTICLE VI.

§ 1. Sheriffs and coroners shall, at the times and places of elections of Representatives, be chosen by the citizens of each county qualified to vote for Representatives. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by a new appointment to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

§ 2. The free men of this Commonwealth

shall be armed and disciplined for its defense. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

§ 3. The field and staff officers of the militia shall be appointed by the Governor, except the battalion staff officers, who shall be appointed by the field officers of each battalion respectively.

§ 4. The officers of companies shall be chosen by the persons enrolled in the list of each company, and the whole shall be commissioned during good behavior, and during their residence in the bounds of the battalion or company to which they shall be appointed.

§ 5. Each court shall appoint its own clerk, who shall hold his office during good behavior; but no person shall be appointed clerk only *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the Court of Appeals that he hath been examined by their clerk in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, by the Court of Appeals only, who shall be judges of the fact as well as of the law; two-thirds of the members present must concur in the sentence.

§ 6. All commissions shall be in the name and by the authority of the State of Kentucky, and be sealed with the State seal, and signed by the Governor.

§ 7. The State Treasurer shall be appointed annually by the joint ballot of both Houses.

ARTICLE VII.

§ 1. Members of the General Assembly and all officers, executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will be faithful and true to the Commonwealth of Kentucky, so long as I continue a

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citizen thereof, and that I will faithfully execute, to the best of my abilities, the office of —, according to law.”

ARTICLE VIII.

§ 1. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.

§ 2. Laws shall be made to exclude from office and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; the privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

§ 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law, nor shall any appropriations of money for the support of an army be made for a longer term than one year, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

§ 4. The Legislature shall direct by law, in what manner and in what courts, suits may be brought against the Commonwealth.

§ 5. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the Legislature the most solemn appeal to God.

§ 6. All laws now in force in the State of Virginia, not consistent with this Constitution, which are of a general nature, and not local to the eastern part of that State, shall be in force in this State until they shall be altered or repealed by the Legislature.

§ 7. The compact with the State of Virginia, subject to such alterations as may be made therein, agreeably to the mode prescribed by the said compact, shall be considered as a part of this Constitution.

ARTICLE IX.

The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated; they shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State; that they shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to the county in which they reside; they shall have full power to prevent slaves being brought into this State as merchandise; they shall have full power to prevent any slave being brought into this State from a foreign country, and to prevent those from being brought into this State who have been, since the first day of January, one thousand seven hundred and eighty-nine, or may hereafter be, imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary, to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them extending to life or limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

ARTICLE X.

§ 1. The place for the Seat of Government shall be fixed in the following manner: The House of Representatives shall, during their session, which shall be held in the year one thousand seven hundred and ninety-two, choose, by ballot, twenty-one persons, from whom the representation from Mercer and Fayette counties then present shall alternately strike out one, until the number shall be reduced to five, who, or any three of them concurring in

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opinion, shall have power to fix on the place for the Seat of Government; to receive grants from individuals therefor, and to make such conditions with the proprietor or proprietors of the land so pitched on by them, as to them shall seem right and shall be agreed to by the said proprietor or proprietors, and lay off a town thereon in such manner as they shall judge most proper.

§ 2. The General Assembly and the Supreme Courts shall, within five years, hold their sessions at the place so pitched upon by the said commissioners; and the Seat of Government so fixed shall continue until it shall be changed by two-thirds of both branches of the Legislature. The commissioners, before they proceed to act, shall take an oath or make affirmation that they will discharge the trust reposed in them, in such manner as in their judgment will be most beneficial to the State at large.

ARTICLE XI.

§ 1. That the citizens of this State may have an opportunity to amend or change this Constitution in a peaceful manner, if to them it shall seem expedient, the persons qualified to vote for Representatives shall, at the general election to be held in the year one thousand seven hundred and ninety-seven, vote also by ballot, for or against a convention, as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State voting for Representatives have voted for a convention, the General Assembly shall direct that a similar ballot shall be taken the next year; and if thereupon it shall also appear that a majority of all the citizens of the State voting for Representatives have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the House of Representatives, to be chosen in the same manner, at the same places, and at the same time that Representatives are, by the citizens entitled to vote for Representatives, and to meet within three months after the said election, for the purpose of readopting, amending, or changing this Constitution. If it shall appear upon the

ballot of either year, that a majority of the citizens voting for Representatives is not in favor of a convention being called, it shall not be done until two-thirds of both branches of the Legislature shall deem it expedient.

ARTICLE XII.

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

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

§ 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, reform, or abolish their government, in such manner as they may think proper.

§ 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 can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious societies or modes of worship.

§ 4. That the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

§ 5. That all elections shall be free and equal.

§ 6. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

§ 7. That printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature or any branch of Government; and no law shall ever be made to restrain the right thereof;

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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.

§ 8. In prosecutions for the publication of papers, investigating the official conduct of officers or men in public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the court as in other cases.

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

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

§ 11. That no person shall, for any indictable offense, be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office.

§ 12. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

§ 13. 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 sale, denial, or delay.

§ 14. That no power of suspending laws shall be exercised, unless by the Legislature or its authority.

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

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

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

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

§ 19. That no person shall be attainted of treason or felony by the Legislature.

§ 20. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the Commonwealth.

§ 21. The estates of such person as shall destroy their own lives, shall descend or vest as in case of natural death, and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

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

§ 23. The rights of the citizens to bear arms in defense of themselves and the State shall not be questioned.

§ 24. That no standing army shall, in time of peace, be kept up without the consent of the Legislature; and the military

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shall, in all cases and at all times, be in strict subordination to the civil power.

§ 25. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

§ 26. That the Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment of which shall be for a longer time than during good behavior.

§ 27. That emigration from the State shall not be prohibited.

§ 28. To guard against transgressions of the high powers which we have delegated, **WE DECLARE**, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this Constitution, shall be void.

SCHEDULE

That no inconvenience may arise from the establishing the government of this State, and in order to carry the same into complete operation, it is hereby declared and ordained:

§ 1. That all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said government had not been established.

§ 2. That all officers, civil and military, now in commission under the State of Virginia, shall continue to hold and exercise their offices until the 10th day of August next, and no longer.

§ 3. That until the first enumeration shall be made as directed by the sixth section of the first article of this Constitution, the county of Jefferson shall be entitled to elect three Representatives; the county of Lincoln, four Representatives; the county of Fayette, nine Representatives; the county of Nelson, six Representatives; the county of Mercer, four Representatives; the county of Madison, three Representatives; the county of Bourbon, five Representatives; the county of Woodford, four

Representatives; and the county of Mason, two Representatives.

§ 4. The General Assembly shall meet at Lexington on the fourth day of June next.

§ 5. All returns herein directed to be made to the Secretary shall, previously to his appointment, be made to the clerk of the Supreme Court for the district of Kentucky.

§ 6. Until a seal shall be procured for the State, the Governor shall be at liberty to use his private seal.

§ 7. The oaths of office herein directed to be taken may be administered by any justice of the peace, until the Legislature shall otherwise direct.

§ 8. All bonds given by any officer within the district of Kentucky, payable to the Governor of Virginia, may be prosecuted in the name of the Governor of Kentucky.

§ 9. All offenses against the laws of Virginia, which have been committed within the present district of Kentucky, or which may be committed within the same before the first day of June, next, shall be cognizable in the courts of this State, in the same manner that they would be if they were committed within this State after the said first day of June.

§ 10. At the election herein directed to be held in May next, the sheriff of each county, or, in case of his absence, one of his deputies shall preside, and if they neglect or refuse to act, the said election shall be held by any one of the justices of the peace for the county where such refusal or neglect shall happen; each officer holding such election having first taken an oath before a justice of the peace to conduct the said election with impartiality, shall have power to administer to any person offering to vote at such election the following oath or affirmation: "I do swear (or affirm) that I am qualified to vote for Representatives in the county of—, agreeably to the Constitution formed for the State of Kentucky;" and such officer shall have a right to refuse to receive the vote of any person who shall refuse to take the said oath, or make affirmation when

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tendered to him; and the said elections shall be held at the several places appointed for holding courts in the different counties.

§ 11. The Government of the Commonwealth of Kentucky shall commence on the first day of June next.

Done in Convention at Danville, the

nineteenth day of April, one thousand seven hundred and ninety-two, and of the independence of the United States of America the sixteenth.

By order of the Convention.

SAMUEL M'DOWELL, *P. C.*

Attest: THOMAS TODD, *C. C.*