

ories ceded to the United States by the treaty of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic, and for other purposes;” and that the collection-district shall be and remain as thereby established.

SEC. 6. *And be it further enacted*, That this act shall commence and be in force from and after the thirtieth day of April, eighteen hundred and twelve.

Approved, April 8, 1812.

### ACT TO ENLARGE THE LIMITS OF LOUISIANA—1812

[TWELFTH CONGRESS, FIRST SESSION]

An Act to enlarge the limits of the state of Louisiana

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in case the legislature of the state of Louisiana shall consent thereto, all that tract of country comprehended within the following bounds to wit: Beginning at the junction of the Iberville with the river Mississippi; thence, along the middle of the Iberville, the river Amite, and of the lakes Maurepas and Pontchartrain to the eastern mouth of the Pearl River; thence up the eastern branch of Pearl River to the thirty-first degree of north latitude; thence along the said degree of latitude to the river Mississippi; thence down the said river to the place of beginning, shall become and form a part of the said state of Louisiana, and be subject to the constitution and laws thereof, in the same manner, and for all intents and purposes, as if it had been included within the original boundaries of the said state.

SEC. 2. *And be it further enacted*, That it shall be incumbent upon the legislature of the state of Louisiana, in case they consent to the incorporation of the territory aforesaid within their limits, at their first session, to make provision by law for the representation of the said territory in the legislature of the state upon the principles of the constitution, and for securing to the people of the said territory equal rights, privileges, benefits, and advantages with those enjoyed by the people of the other parts of the state; which law shall be liable to revision, modification, and amendment by Congress, and also in the manner provided for the amendment of the state constitution, but shall not be liable to change or amendment by the legislature of the state.

Approved, April 14, 1812.

### CONSTITUTION OF LOUISIANA—1812 \*

We, the Representatives of the People of all that part of the Territory or country ceded under the name of Louisiana, by the treaty made at Paris, on the 30th day of April 1803, between the United

\* Constitution or Form of Government of the State of Louisiana. By Authority. New-Orleans: Printed by Jo. Bar. Baird, Printer to the Convention. 1812. 32 pp.

States and France, contained in the following limits, to wit; beginning at the mouth of the river Sabine, thence by a line to be drawn along the middle of said river, including all its islands, to the thirty second degree of latitude—thence due north to the Northernmost part of the thirty third degree of north latitude—thence along the said parallel of latitude to the river Mississippi—thence down the said river to the river Iberville, and from thence along the middle of the said river and lakes Maurepas and Pontchartrain to the Gulf of Mexico—thence bounded by the said Gulf to the place of beginning, including all Islands within three leagues of the coast—in Convention Assembled by virtue of an act of Congress, entitled “an act to enable the people of the Territory of Orleans to form a constitution and State government and for the admission of said State into the Union on an equal footing with the original States, and for other purpose;” In order to secure to all the citizens thereof the enjoyment of *the right of life, liberty and property*, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Louisiana.

#### ARTICLE 1ST

##### CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECT. 1st. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of Magistracy viz—those which are Legislative to one, those which are executive to another, and those which are judiciary to another.

SECT. 2d. No person or Collection of persons, being one of those departments, shall exercise any power properly belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

#### ARTICLE II

##### CONCERNING THE LEGISLATIVE DEPARTMENT

SECT. 1st. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the House of Representatives, the other the senate, and both together, the General Assembly of the State of Louisiana.

SECT. 2d. The Members of the House of Representatives shall continue in service for the term of two years from the day of the commencement of the general election.

SECT. 3d. Representatives shall be chosen on the first Monday in July every two years, and the General Assembly shall convene on the first Monday in January in every year, unless a different day be appointed by law, and their sessions shall be held at the Seat of Government.

SECT. 4th. No person shall be a Representative who, at the time of his election is not a free white male citizen of the United States, and hath not attained to the age of twenty one years, and resided in the state two years next preceding his election, and the last year thereof

in the county for which he may be chosen or in the district for which he is elected in case the said counties may be divided into separate districts of election, and has not held for one year in the said county or district landed property to the value of five hundred dollars agreeably to the last list.

SECT. 5th. Elections for Representatives for the several counties entitled to representation, shall be held at the places of holding their respecting courts, or in the several election precincts, into which the Legislature may think proper, from time to time, to divide any or all of those counties.

SECT. 6th. Representation shall be equal and uniform in this state, and shall be forever regulated and ascertained by the number of qualified electors therein. In the year one thousand eight hundred and thirteen and every fourth year thereafter, an enumeration of all the electors shall be made in such manner as shall be directed by law. The number of Representatives shall, in the several years of making these enumerations be so fixed as not to be less than twenty five nor more than fifty.

SECT. 7th. The House of Representatives shall choose its speaker and other officers.

SECT. 8th. In all elections for Representatives every free white male citizen of the United States, who at the time being, hath attained to the age of twenty one years and resided in the county in which he offers to vote one year not preceding the election, and who in the last six months prior to the said election, shall have paid a state tax, shall enjoy the right of an elector: provided however that every free white male citizen of the United States who shall have purchased land from the United States, shall have the right of voting whenever he shall have the other qualifications of age and residence above prescribed—Electors shall in all cases, except treason, felony, breach or surety of peace, be privileged from arrest during their attendance at, going to or returning from elections.

SECT. 9th. The members of the Senate shall be chosen for the term of four years, and when assembled shall have the power to choose its officers annually.

SECT. 10th. The State shall be divided in fourteen senatorial districts, which shall forever remain indivisible, as follows; the Parish of St. Bernard and Plaquemine including the country above as far as the land (Des Pécheurs) on the east of the Mississippi and on the west as far as Bernoudy's canal shall form one district. The city of New-Orleans beginning at the Nuns' Plantation above and extending below as far as the above mentioned canal (Des Pécheurs) including the inhabitants of the Bayou St. John, shall form the second district, the remainder of the county of Orleans shall form the third district. The counties of German Coast, Acadia, La fourche, Iberville, Point Coupée, Concordia, Attakapas, Opelousas, Rapides, Natchitoches and Ouachitta, shall each form one district, and each district shall elect a Senator.

SECT. 11th. At the Session of the General Assembly after this constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; so that one half shall be chosen every two years, and a rotation thereby kept up perpetually.

**SECT. 12th.** No person shall be a Senator who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of twenty seven years; resided in this state four years next preceding his election, and one year in the district, in which he may be chosen; and unless he holds within the same a landed property to the value of one thousand dollars agreeably to the tax list.

**SECT. 13th.** The first election for Senators shall be general throughout the state, and at the same time that the general election for Representatives is held; and thereafter there shall be a biennial election of Senators to fill the places of those whose time of service may have expired.

**SECT. 14th.** Not less than a majority of the members of each house of the general assembly, shall form a quorum to do business; but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner, and under such penalties as may be prescribed thereby.

**SECT. 15th.** Each house of the general assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

**SECT. 16th.** Each house of the general assembly may determine the rules of its proceedings, punish a member for disorderly behaviour, and with the concurrence of two thirds, expel a member, but not a second time for the same offence.

**SECT. 17th.** Each house of the general assembly shall keep and publish weekly a Journal of its proceedings, and the yeas and nays of the members on any question, shall, at the desire of any two of them, be entered on their Journal.

**SECT. 18th.** Neither house, during the session of the general assembly, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

**SECT. 19th.** The members of the general assembly shall severally receive from the Public Treasury a compensation for their services, which shall be four dollars per day, during their attendance on, going to and returning from the sessions of their respective houses; Provided that the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the house of Representatives, by whom such alteration shall have been made.

**SECT. 20.** The members of the general assembly shall in all cases except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions of their respective houses, and in going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

**SECT. 21.** No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

SECT. 22. No person while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect. shall be eligible to the general assembly, or to any office of profit or trust under this State.

SECT. 23. No person who at any time may have been a collector of taxes for the State, or the assistant or deputy of such collector shall be eligible to the general assembly, until he shall have obtained a quietus for the amount of such collection, and for all public moneys for which he may be responsible.

SECT. 24. No bill shall have the force of a law until, on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon; unless in case of urgency, four-fifths of the house where the bill shall be depending, may deem it expedient to dispense with this rule.

SECT. 25. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills: Provided that they shall not introduce any new matter under the colour of an amendment which does not relate to raising a revenue.

SECT. 26. The general assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

### ARTICLE III

#### CONCERNING THE EXECUTIVE DEPARTMENT

SECT. 1. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Louisiana.

SECT. 2. The Governor shall be elected for the term of four years in the following manner, the citizens entitled to vote for representatives shall vote for a Governor at the time and place of voting for Representatives and Senators. Their votes shall be returned by the persons presiding over the elections to the seat of government addressed to the president of the Senate, and on the second day of the general assembly, the members of the two houses shall meet in the House of Representatives, and immediately after the two candidates who shall have obtained the greatest number of votes, shall be balloted for and the one having a majority of votes shall be governor.—Provided however that if more than two candidates have obtained the highest number of votes, it shall be the duty of the general assembly to ballot for them in the manner above prescribed, and in case several candidates should obtain an equal number of votes next to the candidate who has obtained the highest number, it shall be the duty of the general assembly to select in the same manner the candidate who is to be balloted for with him who has obtained the highest number of votes.

SECT. 3. The governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

SECT. 4. He shall be at least thirty five years of age, and a citizen of the United States, and have been an inhabitant of this state at

least six years preceding his election, and shall hold in his own right a landed estate of five thousand dollars value, agreeably to the tax list.

SECT. 5. He shall commence the execution of his office on the fourth Monday succeeding the day of his election, and shall continue in the execution thereof, until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this Constitution.

SECT. 6. No member of Congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of Governor.

SECT. 7. The governor shall at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.

SECT. 8. He shall be commander in chief of the army and navy of this State, and of the militia thereof except when they shall be called into the service of the United States, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly.

SECT. 9th He shall nominate and appoint with the advice and consent of the Senate, Judges, Sheriffs and all other Officers whose offices are established by this Constitution, and whose appointments are not herein otherwise provided for.—Provided however that the Legislature shall have a right to prescribe the mode, of appointment of all other offices to be established by law.

SECT. 10. The governor shall have power to fill up vacancies that may happen during the recess of the Legislature, by granting commissions which shall expire at the end of the next session.

SECT. 11. He shall have power to remit fines and forfeitures, and, except in cases of impeachment, to grant reprieves & pardons, with the approbation of the Senate. In cases of treason he shall have power to grant reprieves until the end of the next session of the general assembly in which the power of pardoning shall be vested.

SECT. 12. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SECT. 13. He shall from time to time give to the general assembly information respecting the situation of the state, and recommend to their consideration such measures as he may deem expedient.

SECT. 14. He may on extraordinary occasions convene the general assembly at the seat of government, or at a different place if that should have become dangerous from an enemy or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, he may ajourn them to such time as he may think proper, not exceeding four months.

SECT. 15. He shall take care that the laws be faithfully executed.

SECT. 16. It shall be his duty to visit the different counties at least once in every two years, to inform himself of the state of the militia and the general condition of the country.

SECT. 17. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the president of the senate shall exercise all the power and authority appertaining to the office of governor, untill another be

duly qualified, or the governor absent or impeached shall return or be acquitted.

SECT. 18. The president of the Senate, during the time he administers the government shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SECT. 19. A secretary of state shall be appointed and commissioned during that term for which the governor shall have been elected, if he shall so long behave himself well, he shall keep a fair register, and attest all official acts and proceedings of the governor, and shall when required, lay the same and all papers, minutes and vouchers relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

SECT. 20. Every bill which shall have passed both houses shall be presented to the governor, if he approve, he shall sign it, if not he shall return it with his objection to the house in which it shall have originated, who shall enter the objections at large upon their Journal, and proceed to reconsider it—if after such reconsideration, two thirds of all the members elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered and if approved by two thirds of all the members elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively; if any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly by their adjournment prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

SECT. 21. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it shall take effect be approved by him; or being disapproved shall be repassed by two thirds of both houses.

SECT. 22. The free white men of this State, shall be armed and disciplined for its defence; but those who belong to religious societies, whose tenets forbid them to carry arms, shall not be compelled so to do, but shall pay an equivalent for personal service.

SECT. 23. The militia of this state shall be organized in such manner as may be hereafter deemed most expedient by the legislature.

#### ARTICLE IV

##### CONCERNING THE JUDICIARY DEPARTMENT

SECT. 1st. The judiciary power shall be vested in a supreme court and inferior courts.

SECT. 2d. The supreme court shall have appellate jurisdiction only, which jurisdiction shall extend to all civil cases when the matter in dispute shall exceed the sum of three hundred dollars.

SECT. 3d. The supreme court shall consist of not less than three judges, nor more than five; the majority of whom shall form a quorum; each of the said judges shall receive a salary of five thousand dollars

annually. The supreme court shall hold its sessions at the places hereinafter mentioned; and for that purpose the state is hereby divided into two districts of appellate jurisdiction, in each of which the supreme court shall administer justice in the manner hereafter prescribed. The Eastern district to consist of the counties of New Orleans, German Coast, Acadia, Lafourche, Iberville, and Point Coupee; the western district to consist of the counties of Attakapas, Opelousas, Rapides, Concordia, Natchitoches, and Ouachita. The supreme court shall hold its sessions in each year, for the Eastern district in New-Orleans during the months of November, December, January, February, March, April, May, June, and July; and for the western district, at Opelousas during the months of August, September and October: for five years: Provided however, That every five years the legislature may change the place of holding said court in the western district. The said court shall appoint its own clerks.

SECT. 4th. The legislature is authorised to establish such inferior courts as may be convenient to the administration of justice.

SECT. 5th. The judges both of the supreme and inferior courts shall hold their offices during good behaviour; but for any reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of three fourths of each house of the general assembly: Provided however, That the cause or causes for which such removal may be required, shall be stated at length in the address, and inserted on the journal of each house.

SECT. 6th. The judges, by virtue of their office, shall be conservators of the peace throughout the state; the style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the state of Louisiana, and conclude "against the peace and dignity of the same."

SECT. 7. There shall be an attorney general for the state, and as many other prosecuting attorneys for the state as may be hereafter found necessary. The said attorneys shall be appointed by the Governor with the advice and approbation of the Senate. Their duties shall be determined by law.

SECT. 8. All commissions shall be in the name, and by the authority of, the state of Louisiana, and sealed with the state seal, and signed by the Governor.

SECT. 9. The state treasurer, and printer or printers of the state, shall be appointed, annually, by the joint vote of both houses of the general assembly: Provided, That during the recess of the same, the Governor shall have power to fill vacancies which may happen in either of the said offices.

SECT. 10. The clerks of the several courts shall be removable for breach of good behaviour, by the court of appeals only, who shall be judge of the fact, as well as of the law.

SECT 11. The existing laws in this territory, when this constitution goes into effect, shall continue to be in force until altered or abolished by the Legislature; Provided however, that the Legislature shall never adopt any system or code of laws, by a general reference to the said system or code, but in all cases, shall specify the several provisions of the laws it may enact.

SECT 12. The judges of all courts within this state, shall, as often as it may be possible so to do, in every definitive judgment, refer to



the particular law, in virtue of which such judgment may have been rendered, and in all cases adduce the reasons on which their judgment is founded.

## ARTICLE V

### CONCERNING IMPEACHMENT.

SECT. 1. The power of impeachment shall be vested in the House of Representatives alone.

SECT. 2. All impeachments shall be tried by the Senate when sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present.

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

## ARTICLE VI

### GENERAL PROVISIONS

SECT. 1. Members of the general assembly and all officers executive and judicial, before they enter upon the execution of their respective offices, shall take the following oath or affirmation: "I (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as—according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this State; so help me God!"

SECT. 2. Treason against the State, shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SECT. 3. Every person shall be disqualified from serving as governor, Senator or Representative for the term for which he shall have been elected, who shall have been convicted of having given or offered any bribe to procure his election.

SECT. 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanors, the privilege of free suffrage shall be supported by laws regulating elections and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practices.

SECT. 5. No money shall be drawn from the treasury, but in pursuance of appropriations made by law: nor shall any appropriation of money for the support of an army be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public moneys, shall be published annually.

SECT. 6. It shall be the duty of the general assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties, who may choose that summary mode of adjustment.

SECT. 7. All civil officers for the state at large shall reside within the State, and all district or county officers within their respective districts or counties, and shall keep their respective offices at such places therein as may be required by law.

SECT. 8. The Legislature shall determine the time of duration of the several public offices when such time shall not have been fixed by this Constitution, and all civil officers except the governor and judges of the superior and inferior courts shall be removable by an address of two thirds of the members of both houses, except those, the removal of whom has been otherwise provided for by this Constitution.

SECT. 9. Absence on the business of this State or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the rights of suffrage, or of being elected or appointed to any office under this State, under the exceptions contained in this Constitution.

SECT. 10. It shall be the duty of the general assembly to regulate by law in what cases, and what deduction from the salaries of public officers shall be made for neglect of duty in their official capacity.

SECT. 11. Returns of all elections for the members of the general assembly, shall be made to the secretary of state for the time being.

SECT. 12. The Legislature shall point out the manner in which a man coming into the country shall declare his residence.

SECT. 13. In all elections by the people, and also by the Senate and House of Representatives jointly or separately, the vote shall be given by ballot.

SECT. 14. No members of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign powers shall be eligible as a member of the general assembly of this State, or hold or exercise any office of trust or profit under the same.

SECT. 15. All laws that may be passed by the Legislature, and the public records of this State, and the judicial and legislative written proceedings of the same, shall be promulgated, preserved and conducted in the language in which the constitution of the United States is written.

SECT. 16. The general assembly shall direct by law how persons who are now or may hereafter become securities for public officers, may be relieved or discharged on account of such securityship.

SECT. 17. No power of suspending the laws of this State shall be exercised, unless by the Legislature, or its authority.

SECT. 18. In all criminal prosecutions, the accused have the right of being heard by himself or counsel, of demanding the nature and cause of the accusation against him, of meeting the witnesses face to face, of having compulsory process for obtaining witnesses in his favour, and prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage, nor shall he be compelled to give evidence against himself.

SECT. 19. All prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident or presumption

great, and the privilege of the writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it.

SECT. 20. No *ex post facto* law nor any law impairing the obligation of contracts shall be passed.

SECT. 21. Printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch of the government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.

SECT. 22. Emigration from the State shall not be prohibited.

SECT. 23. The citizens of the town of New-Orleans shall have the right of appointing the several public officers necessary for the administration and the police of the said city, pursuant to the mode of election which shall be prescribed by the Legislature: Provided that the mayor and recorder be ineligible to a seat in the general assembly.

SECT. 24. The seat of government shall continue at New Orleans until removed by law.

SECT. 25. All laws contrary to this Constitution shall be null and void.

## ARTICLE VII

### MODE OF REVISING THE CONSTITUTION

SECT. 1. When experience shall point out the necessity of amending this Constitution, and a majority of all the members elected to each house of the general assembly, shall, within the first twenty days of their stated annual session, concur in passing a law, specifying the alterations intended to be made, for taking the sense of the good people of this state, as to the necessity and expediency of calling a convention, it shall be the duty of the several returning officers, at the next general election which shall be held for Representatives after the passage of such law, to open a poll for, and make return to the secretary for the time being, of the names of all those entitled to vote for Representatives, who have voted for calling a convention; and if thereupon, it shall appear that a majority of all the citizens of this state, entitled to vote for Representatives, have voted for a convention, the general assembly, shall direct that a similar poll shall be opened, and taken for the next year: and if thereupon, it shall appear that a majority of all the citizens of this state entitled to vote for Representatives, have voted for a convention, the general assembly shall, at their next session, call a convention to consist of as many members as there shall be in the general assembly, and no more, to be chosen in same manner and proportion, at the same places and at the same time, that Representatives are, by citizens entitled to vote for Representatives; and to meet within three months after the said election, for the purpose of re-adopting, amending or changing this constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for Representatives, did not vote for a convention, a convention shall not be called.

## SCHEDULE

**SECT. 1.** That no inconveniences may arise from the change of a territorial to permanent state government, it is declared by the Convention that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government in virtue of the laws now in force.

**SECT. 2.** All fines, penalties and forfeitures, due and owing to the territory of Orleans shall inure to the use of the state. All bonds executed to the governor or any other officer in his official capacity in the territory, shall pass over to the governor or to the officers of the State and their successors in office, for the use of the State, by him or by them to be respectively assigned over to the use of those concerned, as the case may be.

**SECT. 3.** The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of their duties of their respective departments until the said officers are superseded under the authority of this Constitution.

**SECT. 4.** All laws now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature.

**SECT. 5.** The governor of this state shall make use of his private seal, until a state seal be procured.

**SECT. 6.** The oaths of office herein directed to be taken, may be administered by any justice of the peace, until the legislature shall otherwise direct.

**SECT. 7.** At the expiration of the time after which this constitution is to go into operation, or immediately after official information shall have been received that congress have approved of the same, the president of the Convention shall issue writs of election to the proper officers in the different counties, enjoining them to cause an election to be held for governor and members of the general assembly, in each of their respective districts. The election shall commence on the fourth Monday following the day of the date of the President's proclamation, and shall take place on the same day throughout the state. The mode and duration of the said election shall be determined by the laws now in force: Provided however, that in case of absence or disability of the President of the Convention, to cause the said election to be carried into effect, the Secretary of the Convention shall discharge the duties hereby imposed on the President, and that in case of absence of the secretary a committee of Messrs Blanque, Brown, and Urquhart or a majority of them, shall discharge the duties herein imposed on the secretary of the convention—and the members of the general assembly thus elected shall assemble on the fourth Monday thereafter at the seat of government. The governor and members of the general assembly for this time only, shall enter upon the duties of their respective offices, immediately after their election, and shall continue in office in the same manner and during the same period they would have done had they been elected on the first Monday of July 1812.

**SECT. 8.** until the first enumeration shall be made as directed in the sixth section of the second article of this Constitution, the county of

Orleans shall be entitled to Six Representatives to be elected as follows: one by the first senatorial district within the said county, four by the second district, and one by the third district—The county of German Coast, to two Representatives, the county of Acadia, to two Representatives; the county of Iberville, to two Representatives; the county of Lafourche, to two Representatives; to be elected as follows: one by the parish of the assumption, and the other by the parish of the interior; the county of Rapides, to two Representatives; the county of Natchitoches, to one Representative; the county of Concordia, to one Representative; the county of Ouachitta, to one Representative; the county of Opelloussas, to two Representatives; the county of Attakapas, to three Representatives to be elected as follows: two by the parish of St. Martin and the third by the parish of St. Mary, and the respective senatorial districts created by this Constitution, to one senator each.

Done in Convention, at New Orleans, the twenty second day of the month of January, in the year of our Lord one thousand eight hundred and twelve, and of the independence of the United States of America, the thirty-sixth.

J. POYDRAS.

*President of the Convention.*

ELIGIUS FROMENTIN.

*Secretary of the Convention.*

## CONSTITUTION OF LOUISIANA—1845 \* \*

### PREAMBLE

We, the people of the State of Louisiana, do ordain and establish this constitution:

### TITLE I

#### DISTRIBUTION OF POWERS

ARTICLE 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

ART. 2. No one of these departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

### TITLE II

#### LEGISLATIVE DEPARTMENT

<sup>1</sup> ART. 3. The legislative powers of the State shall be vested in two distinct branches, the one to be styled the "house of representatives."

\* Verified by copy of the constitution of Louisiana published by Bloomfield & Steel, New Orleans, 1861.

\* This constitution was framed by a convention which met at Jackson August 5, 1844, and adjourned to New Orleans August 24, 1844. It resumed its labors at New Orleans January 14, 1845, and completed them May 16, 1845. The constitution was submitted to the people, and ratified November 5, 1845.