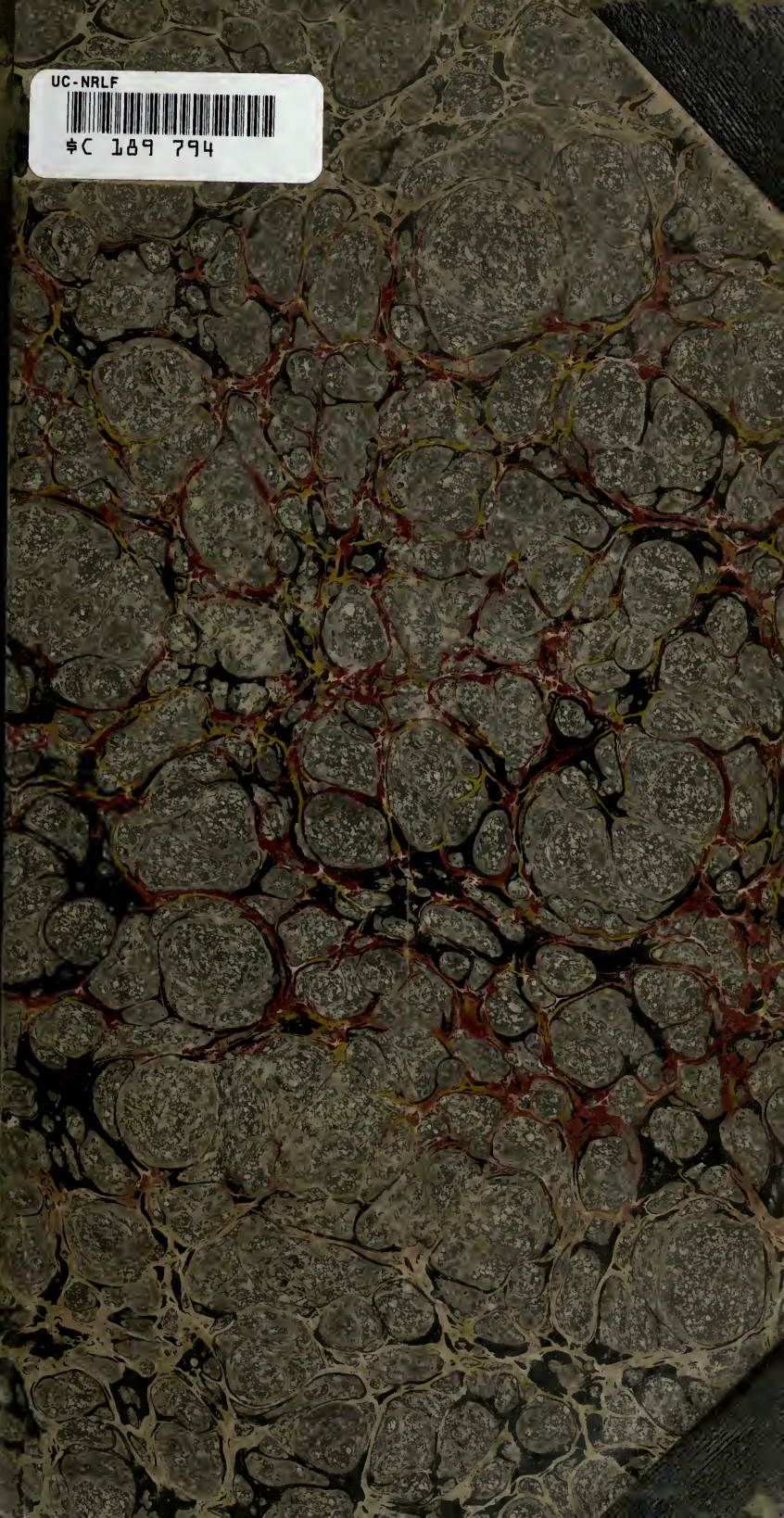


UC-NRLF



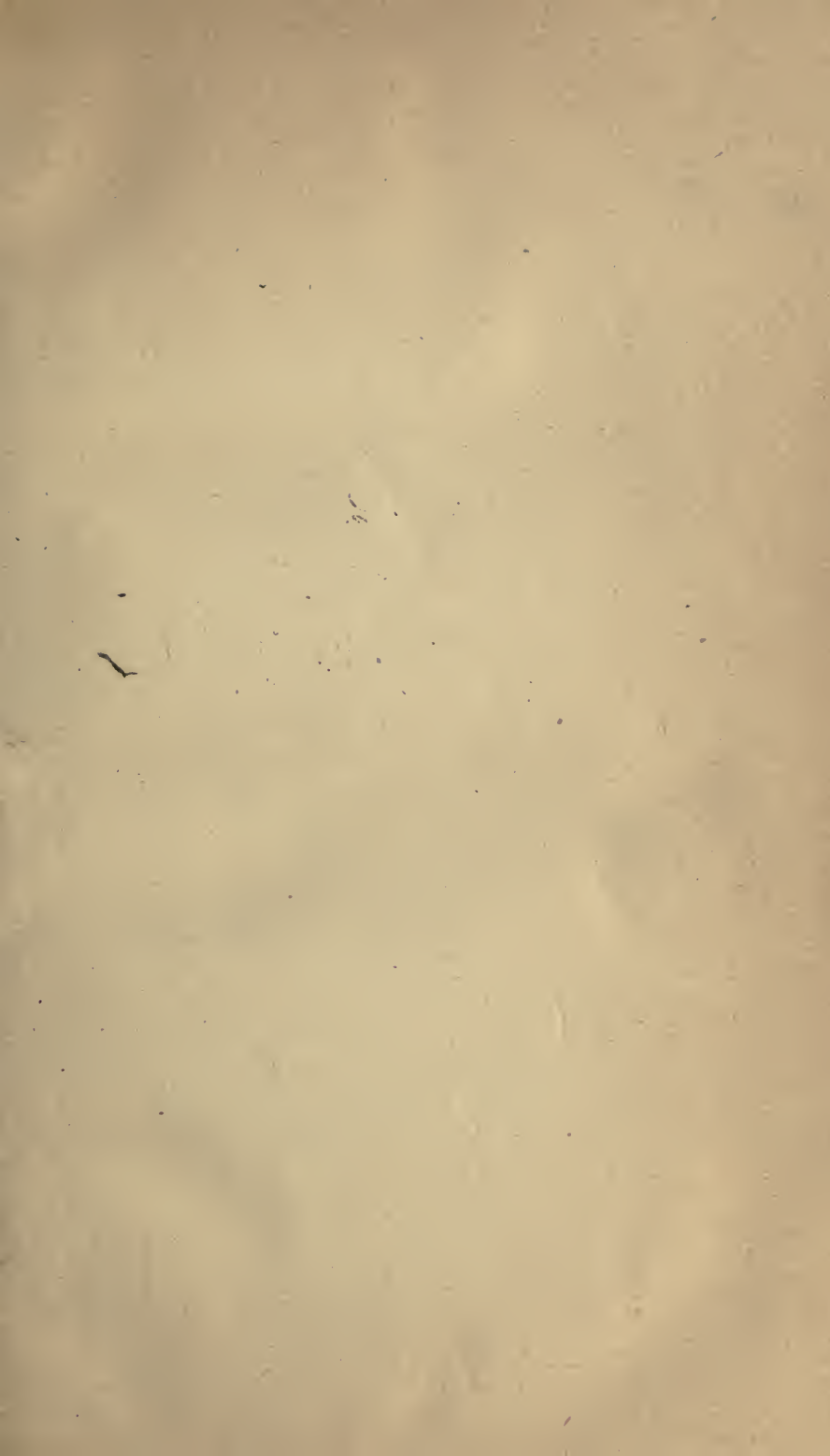
PC 189 794



*U. S. Const.
Arkansas*

LIBRARY
OF THE
UNIVERSITY OF CALIFORNIA.
GIFT OF
S. F. Evening Post.
Received *Jan.* 1884
Accessions No. *23609* Shelf No. *2*

DOCUMENTS
DEPT.



THE
CONSTITUTION
OF THE
STATE OF ARKANSAS.

FRAMED AND ADOPTED BY THE CONVENTION WHICH ASSEMBLED AT
LITTLE ROCK, JULY 14TH, 1874, AND RATIFIED

BY THE PEOPLE OF THE STATE,

AT THE ELECTION HELD OCT. 13TH, 1874.

WITH
MARGINAL NOTES,

A Documentary History of the Constitution,
AND A COPIOUS INDEX,

IN THE NATURE OF

A DIGEST.

By JAMES M. POMEROY,

OF THE BAR OF LITTLE ROCK.

By Authority.



P. A. LADUE, Printer.
LITTLE ROCK, ARK.
1876.

JK 5125
1876
.AG
DOCUMENTS
DEPT.

OFFICE OF SECRETARY OF STATE, }
LITTLE ROCK, ARKANSAS. }

I, B. B. BEAVERS, Secretary of State of Arkansas, do hereby certify that the annexed is a true, complete, and full copy of the Constitution of the State of Arkansas, framed by the Constitutional Convention of the people of said State, and adopted by the said Convention on the seventh day of September, in the year of our Lord one thousand eight hundred and seventy-four; as appears by comparing the same with the original roll of said Constitution now on file in this office.



IN TESTIMONY WHEREOF, *I have hereunto set my hand and affixed my official seal, at Little Rock, this ninth day of June, A. D. eighteen hundred and seventy-six.*

43609
Jan. 1884
B. B. BEAVERS,
Secretary of State.

PREFACE.

THIS edition of the Constitution of Arkansas has been prepared in pursuance of the provisions of an act of General Assembly, approved December 15th, 1874, entitled "An Act to provide for the Publication of the Organic Law of the State."

The text is an exact copy of the original, on file in the office of the Secretary of State; the punctuation, orthography, etc., having been implicitly followed in the minutest particular. A few clerical errors occur in the engrossed document. In some such instances, superfluous letters or words have been enclosed in brackets, an omission, or other accidental error of orthography, corrected in parenthesis, by the Editor.

The Index appended has been made so full as to approach the character of a concordance; every important word being noted, and the same matter indexed under several heads. As a rule, the text has been more or less fully digested, under the appropriate principal headings. (See, for example, under "General Assembly.") Under the subordinate headings, and in other instances, mere reference to article and section has been given; the sole aim of the Editor having been to subserve the purposes of practical convenience.

J. M. P.

Little Rock, May 1st, 1876.



Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation

CONTENTS OF THE VOLUME.

	PAGE
CERTIFICATE of Secretary of State to copy of Constitution,	ii
PREFACE,	iii
TABLE OF CONTENTS of the Volume,	v
DOCUMENTS, ETC., ILLUSTRATING THE HISTORY OF THE CONSTITUTION OF ARKANSAS.	
LIST OF MEMBERS of the Arkansas Constitutional Convention of 1874,	ix
LIST OF OFFICERS of the Convention,	xi
ACT OF GENERAL ASSEMBLY, approved May 18th, 1874, providing for a Convention of the People of the State of Arkansas, to frame a New Constitution,	xiii
ACT OF GENERAL ASSEMBLY, approved May 28th, 1874, Supplementary to and Amendatory of the Act providing for Convention to frame New Constitution,	xv
PROCLAMATION BY THE GOVERNOR, giving notice of election to determine the question of holding a convention for the purpose of framing a new constitution, and of electing delegates to compose such conven- tion, if called,	xvii
RETURN, to the Delegates elect to the Constitutional Convention, OF THE STATE BOARD OF ELECTION SUPERVISORS appointed under Act of General Assembly, approved May 18th, 1874,	xviii
ABSTRACT OF VOTES cast at the general election held June 30th, 1874, "for" and "against" the call of a constitutional convention,	xx
ADDRESS, TO THE PEOPLE OF THE STATE, prepared by order of the Consti- tutional Convention,	xxi
PROCLAMATION, BY THE STATE BOARD OF ELECTION SUPERVISORS appointed by the Schedule to the Constitution, announcing the adoption of the Constitution,	xxiii
[With the above, ABSTRACT OF VOTES cast at the general election held Oct. 13th, 1874, "for" and "against" the adoption of the Constitu- tion,]	xxiii

SYLLABUS TO CONSTITUTION,	xxvii
CONSTITUTION OF ARKANSAS,	xxxiii
ANALYTICAL INDEX to Constitution,	cv
[TABLE showing APPORTIONMENT OF COUNTIES TO SENATORIAL DISTRICTS, as prescribed until after the U. S. Census of 1880,	} At close of Index.
TABLE showing APPORTIONMENT OF COUNTIES TO JUDICIAL CIRCUITS, as prescribed until otherwise provided by General Assembly,]	

DOCUMENTS, ETC.,

ILLUSTRATING THE

HISTORY OF THE

CONSTITUTION OF ARKANSAS.

MEMBERS

OF THE

ARKANSAS CONSTITUTIONAL CONVENTION OF 1874.



Arkansas County.

JAMES A. GIBSON.

Ashley County.

MARCUS L. HAWKINS.

Baxter County.

JOHN W. CYPERT.

Benton County.

HORACE H. PATTERSON,

A. M. RODGERS.

Boone County.

WILLIAM W. BAILY.

Bradley County.

JOHN R. HAMPTON.

Calhoun County.

BENJAMIN W. JOHNSON.

Carroll County.

BRADLEY BUNCH.

Chicot County.

F. DOWNS.

Clark County.

HARRIS FLANAGIN,*

JESSE A. ROSS.

Clayton County.

E. FOSTER BROWN.

Columbia County.

GEORGE P. SMOOTE,

DAWSON L. KILLGORE.

Conway County.

WILLIAM S. HANNA.

Craighead County.

JOHN S. ANDERSON.

Crawford County.

HUGH F. THOMASON.

Crittenden County.

W. L. COPELAND.

Cross County.

J. G. FRIERSON.

Dallas County.

W. D. LEIPER.

Desha County.

[X. J. PINDALL.†]

J. PENNOYER JONES.‡

Dorsey County.

JOHN NIVEN.

Drew County.

JAMES P. STANLEY.

Faulkner County.

JOHN DUNAWAY.

Franklin County.

WILLIAM W. MANSFIELD.

Fulton County.

EDWIN R. LUCAS.

Garland County.

HENRY M. RECTOR.

* Died during the second session of the Convention, Oct. 22d, 1874.

† Resigned, July 20th, 1874.

‡ Admitted July 21st, 1874, upon contest for the seat originally occupied by X. J. Pindall.

<p><i>Grant County.</i> DAVIDSON O. D. CUNNINGHAM.</p> <p><i>Greene County.</i> BENJAMIN H. CROWLY.</p> <p><i>Hempstead County.</i> GRANDISON D. ROYSTON, JOHN R. EAKIN.</p> <p><i>Hot Spring County.</i> W. C. KELLY.</p> <p><i>Howard County.</i> JACOB CUSTER.</p> <p><i>Independence County.</i> JAMES W. BUTLER, JAMES RUTHERFORD.</p> <p><i>Izard County.</i> RANSOM GULLEY.</p> <p><i>Jackson County.</i> FRANKLIN DOSWELL.</p> <p><i>Jefferson County.</i> JOHN A. WILLIAMS, WILLIAM MURPHY, CYRUS BERRY.</p> <p><i>Johnson County.</i> SETH J. HOWELL.</p> <p><i>Lafayette County.</i> VOLNEY V. SMITH.</p> <p><i>Lawrence County.</i> PHILIP K. LESTER.</p> <p><i>Lee County.</i> MONROE ANDERSON.</p> <p><i>Little River County.</i> JAMES H. WILLIAMS.</p> <p><i>Lincoln County.</i> REASON G. PUNTNEY.</p> <p><i>Lonoke County.</i> JAMES P. EAGLE.</p>	<p><i>Madison County.</i> JOHN CARROLL.</p> <p><i>Marion County.</i> ROBERSON J. PEIRCE.</p> <p><i>Mississippi County.</i> CHARLES BOWEN.</p> <p><i>Monroe County.</i> SIMON P. HUGHES.</p> <p><i>Montgomery County.</i> NICHOLAS W. CABLE.</p> <p><i>Nevada County.</i> RUFUS K. GARLAND.</p> <p><i>Newton County.</i> GEORGE H. S. DODSON.</p> <p><i>Ouachita County.</i> ELIJAH MOSELY, HENRY G. BUNN.</p> <p><i>Perry County.</i> W. H. BLACKWELL.</p> <p><i>Phillips County.</i> JOHN J. HORNOR, JAMES T. WHITE, ROBERT POLK.</p> <p><i>Pike County.</i> HENRY W. CARTER.</p> <p><i>Poinsett County.</i> RODERICK JOYNER.</p> <p><i>Polk County.</i> STEPHEN C. BATES.</p> <p><i>Pope County.</i> JOHN R. HOMER SCOTT.</p> <p><i>Prairie County.</i> DAVID F. REINHARDT.</p> <p><i>Pulaski County.</i> JAMES F. FAGAN,* GEORGE N. PERKINS, JESSE BUTLER, SIDNEY M. BARNES, DAN. O'SULLIVAN.†</p>
--	---

* Resigned without taking his seat in the Convention.

† Chosen at special election held July 27th, 1874, to fill the vacancy occasioned by the resignation of James F. Fagan.

Randolph County.

JOHN MILLER, JR.

St. Francis County.

JOHN M. PARROTT.

Saline County.

JABEZ M. SMITH.

Sarber County.

BEN. B. CHISM.

Scott County.

J. W. SORRELS.

Searcy County.

WILLIAM S. LINDSEY.

Sebastian County.

R. P. PULLIAM,

WILLIAM M. FISHBACK.

Sevier County.

B. H. KINSWORTHY.

Sharp County.

LEWIS WILLIAMS.

Stone County.

WALTER J. CAGLE.

*Union County.*HORATIO G. P. WILLIAMS,
ROBERT GOODWIN.*Van Buren County.*

ALLEN R. WITT.

*Washington County.*BENJAMIN F. WALKER,
M. F. LAKE,
T. W. THOMASON.*White County.*JESSE N. CYPERT,
JOSEPH W. HOUSE.*Woodruff County.*

WILLIAM J. THOMPSON.

Yell County.

JOSEPH T. HARRISON.

OFFICERS OF THE CONVENTION.

President, GRANDISON D. ROYSTON, of Hempstead County.*Secretary*, THOMAS W. NEWTON, of Pulaski County.*Assistant Secretaries*, { N. B. PEARCE, of Benton County.
R. G. WOODS, of Phillips County.
CHARLES C. REED, JR., of Conway County.*Chaplain*, REV. W. W. KEEP, of Pulaski County.*Sergeant-at-Arms*, . . THOMAS L. HILL, of Conway County.*Doorkeeper*, SANFORD C. FAULKNER,* of Pulaski County.

SANFORD C. FAULKNER, JR.,† of Pulaski County.

Assistant Doorkeeper, . BENJAMIN MCGUIRE, of Jefferson County.

* Died Aug. 4th, 1874.

† Elected Aug. 6th, 1874, to fill the vacancy occasioned by the death of S. C. Faulkner.

ACTS OF GENERAL ASSEMBLY,

PROVIDING FOR CONVENTION TO FRAME NEW CONSTITUTION.



AN ACT

PROVIDING FOR A CONVENTION OF THE PEOPLE OF THE STATE OF ARKANSAS TO
FRAME A NEW CONSTITUTION.

WHEREAS, it is manifest that there are many defects and objectionable provisions in the present Constitution of the State, and that it is not satisfactory to the people thereof; therefore

Be it enacted by the General Assembly of the State of Arkansas, convened in extraordinary session, as follows:

SECTION 1. That a Convention of the people of the State is called, to assemble at Little Rock, the capital of the State, on Tuesday, the 14th day of July, 1874, for the purpose of framing a new Constitution, and providing for putting the same into force.

SEC. 2. That the Delegates to said Convention shall be chosen by the qualified electors of each County of the State, in the manner hereinafter provided, and shall possess the same qualifications as are provided for a member of the House of Representatives.

SEC. 3. Each County in the State, as now organized, shall be entitled to one Delegate to said Convention, and the following Counties shall be entitled to the additional Delegates herein mentioned, to-wit: The County of Washington, shall be entitled to two additional Delegates, Benton one, Clark one, Hempstead one, Independence one, Jefferson two, Ouachita one, Phillips two, Pulaski three Sebastian one, Union one, White one, Columbia one.

SEC. 4. An election shall be held at the several election precincts of every County in the State, on Tuesday, the 30th day of June, A. D. 1874, for the purpose of electing Delegates to said Convention.

SEC. 5. Said election shall be conducted in accordance with existing laws, except as herein otherwise provided.

SEC. 6. There shall be elected, by the joint vote of the Senate and House of Representatives, a *State Board of Supervisors* of said election, to consist of three men of known intelligence and uprightness, who shall take an oath faithful

fully and impartially to discharge the duties of their office, a majority of whom shall constitute a quorum, and who shall perform the duties herein assigned them.

SEC. 7. Said State Board shall at once proceed to appoint a Board of County Election Supervisors for each County of the State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State Board; a majority of each Board shall constitute a quorum, and shall perform the duties herein assigned them.

SEC. 8. The Board of County Election Supervisors shall at once proceed to appoint three judges of election for each election precinct in their respective Counties, and the judges shall appoint three election clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as above prescribed.

SEC. 9. The State Board shall prescribe the form of poll-books, and each County Board shall furnish the judges of each election precinct with three copies of the poll-books, in the form so prescribed, at the expense of the County.

SEC. 10. Should the judges of any election precinct fail to attend at the time and place provided by law, or refuse to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

SEC. 11. As the electors present themselves at the polls to vote, the judges shall pass upon their qualifications, whereupon the clerks of election shall register their names on the poll-books, if qualified, and such registration by said clerks shall be a sufficient registration in conformity to the Constitution of of this State, and then their votes shall be taken: *Provided*, No person shall vote outside or elsewhere than in the township, ward or precinct in which he resides. The electors shall be numbered, and the number of each elector marked on his ballot by one of the judges, when deposited.

SEC. 12. After the ballots are counted by the judges, and the result certified on the poll-books by them, the poll-books and the ballots, sealed up, shall be returned to the County Board of Election Supervisors, who shall proceed to cast up the votes, ascertain the result, and furnish the persons elected as Delegates to the Convention with certificates of election. Each County Board shall return to the State Board the name or names of the Delegates elected; and a full list of the Delegates shall be laid before the Convention, on the day it assembles, by the State Board.

SEC. 13. Each County Board shall also return to the State Board the names of all persons voted for, with the number of votes received by each.

SEC. 14. If there is a failure to hold an election in any County, or a vacancy occurs in the office of Delegate, the President of the Convention may order an election in such County forthwith, to elect a Delegate or Delegates to fill such vacancy or vacancies.

SEC. 15. If a majority of the Delegates elected to the Convention are not present on the day fixed for it to meet, the members present may adjourn from day to day until a majority is present, and then proceed to be organized.

SEC. 16. The Delegates and officers of the Convention shall take an oath to support the Constitution of the United States.

SEC. 17. Any election officer, elected or appointed under the provisions of this Act, who shall fraudulently and corruptly register, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the jail and penitentiary house not less than five nor more than ten years. And any person who shall vote more than once, or bribe any person to vote contrary to his wishes, or intimidate or prevent any elector by threats or promises from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the jail and penitentiary house not less than one year or more than five years, and the Judges of the several Circuit and Criminal Courts of this State shall give this section specially in charge to the grand jurors of their respective jurisdictions.

SEC. 18. The Convention shall have power to determine the election, qualifications and returns of its members.

SEC. 19. A sufficient amount of money is hereby appropriated out of the State Treasury to pay the necessary expenses of said Convention, should one be held.

SEC. 20. That at said election the electors shall have written or printed on their ballots, in addition to the name or names voted for as Delegate or Delegates, "For Convention," or "Against Convention," and said returning officers shall certify the vote for and against Convention in the same manner that the vote for Delegates is required to be certified; and if a majority voting for a Convention, said Convention shall be held at the time herein specified, and the Delegates to said Convention shall receive the same mileage and per diem as is now received by the members of the General Assembly.

SEC. 21. The Governor shall immediately issue his proclamation for an election under the provisions of this Act.

SEC. 22. That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed, and this act shall take effect and be in force from and after its passage.

Approved May 18, 1874.

AN ACT

SUPPLEMENTARY TO AND AMENDATORY OF AN ACT ENTITLED AN ACT PROVIDING FOR A CONVENTION OF THE PEOPLE OF THE STATE OF ARKANSAS, TO FRAME A NEW CONSTITUTION, MAY, 1874.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That all Judges of this State are prohibited from issuing any writ of process whatever, or taking any action, or assuming any jurisdiction in or about, or in connection with the election provided for in the Act to which this is supplementary and amendatory, except in so far as may be necessary for the preservation of peace and order, and to secure the holding such election: *Provided, however,* That the provisions of this section shall not be construed as to amend, or in any wise impair the criminal jurisdiction of Criminal and Circuit Courts, as specified in the Act to which this is supplementary and amendatory.

SEC. 2. In case of a vacancy or vacancies occurring in the Board of State Supervisors provided for in the Act to which this is supplementary and amendatory, the same shall be filled at once by the remaining Supervisor or Supervisors, appointing a person or persons of known intelligence and uprightness to fill such vacancy or vacancies.

SEC. 3. The members of said Board of Supervisors shall receive the same mileage and per diem as is now allowed by law to the members of the General Assembly, to be paid out of any moneys in the treasury of the State not otherwise appropriated.

SEC. 4. That the members of the Board of Supervisors of the several counties shall receive two (\$2) dollars each per day while actually engaged in the duties of their offices, to be paid out of any moneys in the treasuries of their respective counties not otherwise appropriated.

SEC. 5. That all Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed, and that this Act take effect and be in force from and after its passage.

Approved May 28, 1874.

PROCLAMATION BY THE GOVERNOR,*

GIVING NOTICE OF ELECTION TO DETERMINE THE QUESTION OF HOLDING A CONVENTION FOR THE PURPOSE OF FORMING A NEW CONSTITUTION, AND OF ELECTING DELEGATES TO COMPOSE SUCH CONVENTION, IF CALLED.

THE STATE OF ARKANSAS TO THE SHERIFFS OF THE SEVERAL COUNTIES, *Greeting:*

WHEREAS, by an act of the General Assembly of the State of Arkansas, approved May 18th, 1874, it is provided that a convention of the people of the State is called to assemble at Little Rock on Tuesday, the 14th day of July, A. D. 1874, for the purpose of framing a new Constitution, and providing for and putting the same in force, and that an election shall be held at the several election precincts of every county of the State, on Tuesday, the 30th day of June, A. D. 1874, for the purpose of electing delegates to said convention:

NOW, THEREFORE, I, Elisha Baxter, Governor of the State of Arkansas, do hereby proclaim that on Tuesday, the 30th day of June, A. D. 1874, an election by the qualified electors of the State of Arkansas, in accordance with said Act, will be held at the several election precincts of each county of said State, for the following number of delegates to said Constitutional Convention from each county respectively, to-wit:

Arkansas one (1), Ashley one (1), Baxter one (1), Benton two (2), Boone one (1), Bradley one (1), Calhoun one (1), Carroll one (1), Chicot one (1), Clark two (2), Clayton one (1), Columbia two (2), Conway one (1), Craighead one (1), Crawford one (1), Crittenden one (1), Cross one (1), Dallas one (1), Desha one (1), Dorsey one (1), Drew one (1), Faulkner one (1), Franklin one (1), Fulton one (1), Garland one (1), Grant one (1), Greene one (1), Hempstead two (2), Hot Spring one (1), Howard one (1), Independence two (2), Izard one (1), Jackson one (1), Jefferson three (3), Johnson one (1), Lafayette one (1), Lawrence one (1), Lee one (1), Lincoln one (1), Little River one (1), Lonoke one (1), Madison one (1), Marion one (1), Mississippi one (1), Monroe one (1), Montgomery one (1), Nevada one (1), Newton one (1), Ouachita two (2), Perry one (1), Phillips three (3), Pike one (1), Poinsett one (1), Polk one (1), Pope one (1), Prairie one (1), Pulaski four (4), Randolph one (1), Saline one (1), St. Francis one (1), Searcy one (1), Sebastian two (2), Sevier one (1), Scott one (1), Sarber one (1), Sharp one (1), Stone one (1), Union one (1), Van Buren one (1), Washington one (1), White two (2), Woodruff one (1), Yell one (1).

*A proclamation identical with this, except that the clause providing for a vote for or against the holding of a convention, was omitted, had been issued May 22d.—EDITOR.

At said election, the electors shall have written or printed on their ballots, in addition to the name or names voted for as delegates, "For Convention" or "Against Convention."

The Sheriffs of the several counties are hereby required to cause said election to be conducted according to law.



IN TESTIMONY WHEREOF, I have hereunto put my hand and caused the seal of the State to be affixed, at the Executive Office, at the City of Little Rock, this 16th day of June, A. D. 1874.

ELISHA BAXTER,
Governor of Arkansas.

By the Governor:

J. M. JOHNSON,
Secretary of State.

RETURN, TO THE DELEGATES ELECT TO THE
CONSTITUTIONAL CONVENTION,
OF THE STATE BOARD OF ELECTION SUPERVISORS

APPOINTED UNDER THE ACT OF GENERAL ASSEMBLY
APPROVED MAY 18, 1876.

TO THE HONORABLE THE DELEGATES TO THE CONSTITUTIONAL CONVENTION OF THE
STATE OF ARKANSAS:

Gentlemen:—We transmit herewith our report as the State Board of Election Supervisors of the election held on the 30th ult., under the provisions of the Act of the General Assembly, entitled "An Act providing for a Convention of the People of the State of Arkansas, to frame a new Constitution," approved May 18th, 1874; which report is embraced in the following-named abstracts and lists, to-wit:

"A:" List of County Election Supervisors appointed by the State Board.

"B:" Abstract, from official returns, of votes cast for Delegates to Constitutional Convention.

"C:" List of Delegates elected to the Constitutional Convention, as shown by official returns.

"D:" Abstract of votes cast for and against Convention.

The official oath of the State Supervisors, and the official oaths and returns of the County Supervisors, are held subject to the order of the Convention.

All of which is respectfully submitted.

A. H. GARLAND,
DUDLEY E. JONES,
GORDON N. PEAY,

State Board of Election Supervisors.

[Appended to the Return are the exhibits referred to. The list of Delegates elect is published on p. ix, the abstract of the vote for and against Convention on p. xx, of this volume.]

ABSTRACT OF VOTES

CAST AT THE ELECTION HELD ON THE 30TH DAY OF JUNE, 1874, "FOR" AND "AGAINST" THE CALL OF A CONSTITUTIONAL CONVENTION FOR THE STATE OF ARKANSAS.*

COUNTIES.	For Convention.....	Against Convention.....	Majorities for Convention.....	Majorities against Convention.....	COUNTIES.	For Convention.....	Against Convention.....	Majorities for Convention.....	Majorities against Convention.....
ARKANSAS.....	995	417	578	.....	LONOKE.....	1506	123	1383	.....
ASHLEY.....	638	11	628	.....	LINCOLN.....	918	694	224	.....
BENTON.....	2365	7	2358	.....	MADISON.....	1037	131	906	.....
BOONE.....	1277	26	1251	.....	MARION.....	545	10	535	.....
BRADLEY.....	842	13	829	.....	MISSISSIPPI.....	602	18	584	.....
BAXTER.....	555	31	504	.....	MONROE.....	1614	24	1590	.....
CALHOUN.....	533	6	527	.....	MONTGOMERY.....	496	3	493	.....
CARROLL.....	619	8	611	.....	NEWTON.....	542	23	519	.....
CHICOT.....	1260	5	1255	.....	NEVADA.....	985	55	930	.....
CLARK.....	1593	562	1031	.....	OUACHITA.....	1010	8	1002	.....
COLUMBIA.....	1299	23	1276	.....	PERRY.....	301	55	246	.....
CONWAY.....	966	214	752	.....	PHILLIPS.....	3296	.....	3296	.....
CRAWFORD.....	1610	5	1605	.....	PIKE.....	301	119	182	.....
CRITTENDEN.....	1612	123	889	.....	POINSETT.....	313	5	308	.....
CRAIGHEAD.....	540	25	515	.....	POLK.....	432	2	430	.....
CROSS.....	843	.....	843	.....	POPE.....	1047	29	1018	.....
CLAYTON.....	1298	16	1282	.....	PRAIRIE.....	1103	400	703	.....
DALLAS.....	751	20	731	.....	PULASKI.....	2673	82	2591	.....
DESHA.....	1015	12	1003	.....	RANDOLPH.....	1179	7	1172	.....
DREW.....	1110	117	993	.....	ST. FRANCIS.....	1412	.....	1412	.....
DORSEY.....	748	207	541	.....	SALINE.....	874	.....	874	.....
FRANKLIN.....	1155	5	1150	.....	SCOTT.....	1058	1	1057	.....
FULTON.....	491	.....	491	.....	STONE.....	432	4	428	.....
FAULKNER.....	1233	31	1199	.....	SEABOY.....	407	95	312	.....
GRANT.....	921	.....	921	.....	SHARP.....	819	4	815	.....
GREEN.....	825	37	788	.....	SEVIER.....	545	4	541	.....
HOWARD.....	1330	9	1321	.....	SEBASTIAN.....	2145	2	2143	.....
HEMPSHEAD.....	629	43	586	.....	SARBER.....	1248	101	1147	.....
HOT SPRING.....	758	133	625	.....	UNION.....	1834	1	1833	.....
INDEPENDENCE.....	1870	18	1852	.....	VAN BUREN.....	866	11	855	.....
IZARD.....	745	8	737	.....	WASHINGTON.....	2776	25	2751	.....
JACKSON.....	1372	42	1330	.....	WHITE.....	1931	2	1929	.....
JEFFERSON.....	1116	3132	2016	.....	WOODRUFF.....	1732	8	1724	.....
JOHNSON.....	1396	77	1319	.....	YELL.....	1702	9	1693	.....
LAFAYETTE.....	849	893	44	.....	TOTAL.....	80255	8547		
LAWRENCE.....	952	1	951	.....				
LITTLE RIVER.....	627	241	386	.....				
LEE.....	1836	.....	1836	.....				

TOTAL VOTE "FOR CONVENTION" - - - 80,259

TOTAL VOTE "AGAINST CONVENTION" - - - 8,547

MAJORITY "FOR CONVENTION" - - - 71,712†

*From the official returns to the delegates elect to the Constitutional Convention, of the State Board of Election Supervisors appointed under the Act of General Assembly, approved May 18th, 1874, entitled "An Act providing for a Convention of the People of the State of Arkansas, to frame a new Constitution" (p. xiii).

†The official return, through some clerical error, states the vote "Against Convention" at 8,607, and the consequent majority "For Convention" at 71,652. The totals as here given result from the footings of the votes given for the several counties.—EDITOR.

ADDRESS

TO THE PEOPLE OF THE STATE,

PREPARED BY ORDER OF THE CONSTITUTIONAL CONVENTION,

And appended to the official copies of the Constitution, circulated for public information.

FELLOW CITIZENS:

Your Delegates in Convention assembled to frame a Constitution for the State of Arkansas, now submit the result of their labors for your approval.

We commend to your favorable consideration the Constitution accompanying this address, as the fruits of the united efforts and untiring labor of a truly representative body, whose interests are identified with those of the people of the entire State.

An examination of this Constitution will show its distinguishing features—as compared with the Constitution of 1868—to consist in submitting the election of all officers of the government to the popular vote; in diminishing the number of offices to such number as is necessary to an economical and successful administration of the government; in limiting the rate of taxation, by the Legislature, on the assessed value of all property; in protecting the public credit, by expressly prohibiting the Legislature from contracting any debt, save for certain specified purposes; and in prohibiting all local and special legislation.

It is believed the main corrective of the abuses which we have for several years past sustained, will be found in that feature of the Constitution which submits all elections of civil officers to the people, thereby depriving the Executive Department of the State of the power of appointment. The necessity of free and fair elections, uncontrolled by partisan appliances, has long been felt by our people. The abuse of this right—so long held inviolable—has stifled the popular voice, given the reins of government to a faction, reduced our people to bankruptcy and impoverishment, inaugurated intestine feuds and revolutions, and disgraced our State.

The new Constitution is framed with a view of correcting these abuses by keeping, as nearly as may be, all power in the hands of the people, and holding their agents in office directly responsible to them—the chief end and aim of all popular, representative government. It is liberal in its provisions, and chal-

lenges the admiration and support alike of Democrats and Republicans, who are not biased by party feeling. It gives equal rights to all, regardless of race or color, or previous condition of servitude.

With provisions so liberal, with features so well calculated to correct the abuses of the past, and being the work of delegates chosen by a popular vote so large and overwhelming, it is not surprising that the enemies of the new Constitution should despair of defeating it by an appeal to the people at the coming election upon its ratification or rejection. We have every reason to believe that, if the new Constitution is ratified by the popular vote, and the government under it inaugurated, the present numerous and gross abuses, as the result of misrule, will give way, the angry feeling which has been engendered between the members of the two political parties, by restless office-seekers, and disturbers of the peace, will gradually disappear, and our State will assume that honorable position in the confederacy of States, for which nature has so eminently endowed her.

On the contrary, if this Constitution should be defeated or set aside, we can no longer have reasonable grounds of hope for a restoration of local self-government in Arkansas, and we forbear to contemplate the scenes which a defeat or failure would entail upon a people already bowed to the earth with suffering and sorrow.

In conclusion, we ask all, regardless of party, who are tired of strife, and who long for a permanent restoration of peace, to unite in supporting the new Constitution, that we may have in its behalf the moral effect of the largest popular majority that is possible of attainment under the circumstances. And we urge, most earnestly, each and every one to go forward, peacefully but resolutely, to the discharge of his duty in giving the State this organic law, regardless of all promises, all overtures, and all threats, from those who, under the guise of friendship, seek only to complete your ruin. This opportunity lost, you and your State are lost; but improved and availed of, you and your State are saved, with every promise of a future of peace and of prosperity.

H. M. RECTOR,
R. K. GARLAND,
J. W. BUTLER,
S. P. HUGHES,
BRADLEY BUNCH,
Committee.

PROCLAMATION

BY THE

STATE BOARD OF ELECTION SUPERVISORS.*

OFFICE OF STATE BOARD OF ELECTION SUPERVISORS,
LITTLE ROCK, ARK., October 30, 1874. }

In pursuance of the provisions of Section seventeen of the Schedule to the Constitution recently framed for the State of Arkansas, the undersigned do hereby proclaim and make known, that at a general election held on the thirteenth day of October, A. D. 1874, the following votes were cast "For" and "Against" said Constitution, in the several counties of said State, as appears by the official returns made to said Board by the County Boards of Election Supervisors, to-wit: †

COUNTIES.	For Constitution.....	Against Constitution.....	Majorities for Constitution.....	Majorities against Constitution.....	COUNTIES.	For Constitution.....	Against Constitution.....	Majorities for Constitution.....	Majorities against Constitution.....
ARKANSAS.....	1211	430	781	.....	LEE.....	1760	2	1758	.....
ASHLEY.....	1147	320	827	.....	LONGKE.....	1500	83	1417	.....
BENTON.....	1954	79	1875	.....	LINCOLN.....	886	948	.....	62
BOONE.....	1374	63	1309	.....	MADISON.....	1143	111	1032	.....
BRADLEY.....	762	65	697	.....	MARION.....	936	19	917	.....
BAXTER.....	569	45	524	.....	MISSISSIPPI.....	985	26	910	.....
CALHOUN.....	594	11	583	.....	MONROE.....	935	744	241	.....
CARROLL.....	1011	6	1005	.....	MONTGOMERY.....	594	24	570	.....
CHICOT.....	417	1311	.....	894	NEWTON.....	402	157	245	.....
CLARK.....	1438	662	776	.....	NEVADA.....	1198	211	987	.....
COLUMBIA.....	1376	369	1007	.....	OUACHITA.....	1101	925	176	.....
CONWAY.....	888	341	547	.....	PERRY.....	323	113	210	.....
CRAWFORD.....	1444	209	1235	.....	PHILLIPS.....	1958	2184	.....	226
CRITTENDEN.....	426	954	.....	528	PIKE.....	400	134	266	.....
CRAIGHEAD.....	858	6	852	.....	POINSETT.....	329	3	326	.....
CROSS.....	701	220	481	.....	POLK.....	467	49	418	.....
CLAYTON.....	746	11	735	.....	POPE.....	1317	25	1292	.....
DALLAS.....	682	195	487	.....	PRAIRIE.....	911	368	543	.....
DESHA.....	425	802	.....	377	PULASKI.....	3054	2135	919	.....
DREW.....	1253	661	592	.....	RANDOLPH.....	1246	.....	1246	.....
DORSEY.....	920	210	710	.....	ST. FRANCIS.....	1102	478	624	.....
FRANKLIN.....	1377	181	1196	.....	SALINE.....	1019	.....	1019	.....
FULTON.....	535	.....	535	.....	SCOTT.....	1083	89	994	.....
FAULKNER.....	1216	65	1151	.....	STONE.....	655	7	648	.....
GRANT.....	631	51	580	.....	SEABY.....	518	104	414	.....
GREENE.....	953	.....	953	.....	SHARP.....	945	28	917	.....
GARLAND.....	1046	32	994	.....	SEVIER.....	689	80	609	.....
HOWARD.....	798	315	483	.....	SEBASTIAN.....	1742	606	1136	.....
HOWARD.....	1676	677	999	.....	SARBER.....	1192	183	1009	.....
HOT SPRING.....	539	110	429	.....	UNION.....	1322	744	578	.....
INDEPENDENCE.....	2023	349	1674	.....	VAN BUREN.....	976	46	930	.....
IZARD.....	1229	36	1193	.....	WASHINGTON.....	2200	234	1966	.....
JACKSON.....	1743	45	1698	.....	WHITE.....	2377	58	2319	.....
JEFFERSON.....	1052	2805	.....	1753	WOODBUFF.....	1260	395	865	.....
JOHNSON.....	1264	99	1165	.....	YELL.....	1430	236	1194	.....
LAFAYETTE.....	1070	1045	25	.....				
LAWRENCE.....	1176	3	1173	.....				
LITTLE RIVER.....	470	423	47	.....				
					TOTAL.....	78097	24807		

TOTAL VOTE "FOR CONSTITUTION" - - - 78,697

TOTAL VOTE "AGAINST CONSTITUTION" - - - 24,807

MAJORITY "FOR CONSTITUTION" - - - 53,890

GIVEN UNDER OUR HANDS THIS THIRTEENTH DAY OF OCTOBER, 1874.

U. M. ROSE,
DUDLEY E. JONES,
GORDON N. PEAY,

State Board Election Supervisors.

* Appointed by Sec. 7 of the Schedule to the Constitution.

† For convenience of reference, the majorities, in the several counties, for and against the Constitution, which do not appear in the original, are here interpolated.—EDITOR.

CONSTITUTION OF ARKANSAS.



SYLLABUS.

CONSTITUTION OF ARKANSAS.

ARTICLE I.

Boundaries of the State.
Seat of Government.

ARTICLE II.

DECLARATION OF RIGHTS.

SECTION

1. Source of political power.—Object of government.—Right of reform and abolition.
2. Natural freedom and independence of men.—Inalienable rights.—Origin of government.
3. Equality of all persons before the law.
4. Right of public assembly, and of petition.
5. Right to bear arms.
6. Liberty of the press and of speech.—Libel.
7. Trial by Jury.
8. No person to be held to answer for crime, but on presentment or indictment.—Exceptions.—No person to be twice put in jeopardy for same offence.—Or be compelled to be witness against himself.—Security for life, liberty, and property.—Right to bail.
9. Excessive bail and fines, cruel punishments, and detention of witnesses, prohibited.
10. Rights of accused in criminal prosecutions.
11. Habeas corpus.
12. Suspension of the laws.
13. Redress of wrongs.
14. Treason.
15. Security against unreasonable searches and seizures.
16. Imprisonment for debt prohibited.
17. Attainder, laws, *ex post facto*, impairing contracts, etc., prohibited.
18. Equality of privileges and immunities.
19. Perpetuities, monopolies, and hereditary distinctions, prohibited.
20. Resident aliens.
21. Life, liberty, and property, how secured.—Banishment prohibited.
22. Private property taken for public use.
23. State's right of eminent domain, and of taxation.—Delegation of taxing power.
24. Right of religious liberty.

SECTION

25. Protection of religious liberty.
26. Religious tests prohibited.—Oaths or affirmations required.
27. Involuntary servitude, except for crime, prohibited.—Standing army.—Military subordinate to civil power.—Quartering of Troops.
28. Tenure of lands.
29. This enumeration of rights not to disparage other rights.—Paramount authority of Declaration of Rights, and of Constitution.

ARTICLE III.

FRANCHISE AND ELECTIONS.

1. Qualifications of electors.
2. Freedom of elections.—Right of suffrage not to depend on previous registration.—Or impairable except on conviction for felony.
3. Elections to be by ballot.—Numbering of ballots.—Secrecy of the ballot.
4. Privilege of electors.
5. Idiots and insane.
6. Corrupt violation of election laws to disqualify for office.
7. U. S. soldiers, sailors, and marines.
8. Time of holding general elections.
9. Testimony in cases of contested elections.
10. Causes of disqualification as election officer.
11. Votes unlawfully refused, to be counted on trial of contest.
12. Elections by parties representative.

ARTICLE IV.

DEPARTMENTS.

1. Departments of government.
2. Separation of departments.

ARTICLE V.

LEGISLATIVE.

1. General Assembly.
2. House of Representatives.
3. Senate.

CONSTITUTION OF ARKANSAS.

SECTION.

- Qualifications of Senators and Representatives.
- Times of meeting.
- Vacancies.
- Officers ineligible to General Assembly.
- Holders of public moneys disqualified for office, until settlement.
- Conviction of infamous crime to disqualify for office.
- Senator or Representative disqualified for civil office.
- Each house to appoint its officers and determine qualifications, etc., of its members.—Quorum.
- Rules.—Expulsion of members.—Punishment for contempt.—Enforcement of process.—Protection of members.—Journal.—Yeas and nays.
- Proceedings to be public.
- Elections by joint or concurrent vote.
- Privileges of Senators and Representatives.
- Pay and mileage.—Term to begin with election.
- Duration of sessions.
- Presiding officers.—President of Senate to succeed to Governorship in case of vacancy.
- Style of laws.
- State not to be sued in her courts.
- Laws to be by bill —Amendment of bills.
- Passage of bills.
- Revival, amendment, and extension, of laws.
- Classes of special legislation prohibited.
- Restrictions on special legislation.
- Publication of notice of local and special bills.
- Extra compensation to officers, agents, employes, and contractors.—Appropriations for claims, in matters not provided for by pre-existing laws.
- Adjournment.
- Appropriations to be specific, and limited to two years.
- General and special appropriation bills.
- Vote requisite to allowances of State tax, and appropriations of money.
- Redress for injuries to person or property.
- Liabilities of corporations to the State.
- Bills not to be introduced during last three days of the session.
- Bribery of officers.
- Expulsion of member no bar to indictment.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

- Executive officers.—Offices to be at seat of government.—Terms of office.—Commissioner of State Lands.
- Governor.
- Election of executive officers.—Returns.—Declaration of election.—Case of tie.
- Contested elections for executive officers.
- Qualifications of Governor.
- Governor to be Commander-in-Chief.
- May require information from officers of Executive Department.—Execution of the laws.
- Messages to General Assembly.
- Great Seal of the State.
- Grants and commissions.
- Persons ineligible to office of Governor.
- Death, impeachment, or other disability of Governor.

(xxviii)

SECTION

- Impeachment, or other disability, of President of Senate, acting as Governor.
- Election to fill vacancy in office of Governor.—Returns.—Contested election.
- Bills to be presented to Governor for approval.—Proceedings in case of veto.—Bill not returned within five days to become a law —Bills passed during last five days of session.
- Concurrent orders and resolutions to be presented to Governor for approval.—Proceedings in case of veto.
- Veto of items of appropriation bills.—Proceedings in such case.
- General pardoning power.—Pardoning power in cases of treason.—Information concerning pardons, etc., to be communicated to General Assembly.
- Extra session of General Assembly, and convocation elsewhere than at seat of government.
- Case of disagreement in General Assembly, as to time of adjournment.
- Duties of Secretary of State.—Superintendent of Public Instruction.
- Duties of other officers of Executive Department.—Their disqualification to hold other office.—Vacancies in their offices.
- Vacancies in office, not elsewhere provided for.

ARTICLE VII.

JUDICIAL DEPARTMENT.

- Judicial power, where vested.—Establishment of additional courts.
- Supreme Court.—Chief Justice.—Quorum.
- Increase of number of Judges of Supreme Court.
- General Jurisdiction of Supreme Court.—Jurisdiction of individual Judges of Supreme Court.
- Jurisdiction of Supreme Court in *quo warranto*.
- Qualifications of Judges of Supreme Court.—Election.—Term of office.
- Clerk and Reporter of Supreme Court.—Term of office.
- Terms of Supreme Court.
- Special Judges for Supreme Court.
- Compensation of Supreme Judges.—Disqualification to hold other office.
- General jurisdiction of Circuit Courts.
- Terms of Circuit Courts,
- Judicial circuits.—Judge of Circuit Court to reside and be conservator of peace in his circuit.
- Superintending and appellate jurisdiction of Circuit Courts.
- Equity jurisdiction of Circuit Courts.
- Qualifications of Judges of Circuit Courts.
- Election of Judges of Circuit Courts.—Term of office.
- Compensation of Judges of Circuit Courts.—Disqualification to hold other office.
- Clerks of Circuit Courts.—Election.—Term of office.—To be ex-officio County and Probate Clerks, and Recorders.—Separate County Clerk in certain counties.—To be ex-officio Probate Clerk.
- Interest, consanguinity, etc., to disqualify Judge from presiding at trial.
- Special Judges for Circuit Courts.—Powers of Special Judges.—Their qualifications.
- Exchange of circuits.

SYLLABUS.

SECTION

23. Charges to juries.
24. Prosecuting Attorneys.—Term of office.—Qualifications.
25. Judges prohibited from practice of law.
26. Contempts not in presence of court or disobedience of process.
27. Removal of county and township officers.
28. Jurisdiction of County Courts.—County Court to be held by one judge.
29. Judges of County Courts.—Election.—Term of office.—Qualifications.
30. Quorum of the County.—Powers.—Majority must sit.—Compulsory attendance.
31. Terms of County Courts.
32. Courts of Common Pleas.—Jurisdiction.
33. Appeals from County Courts and Courts of Common Pleas.
34. Courts of Probate.—Jurisdiction.—Terms.
35. Appeals from Probate Courts.
36. Special Judges for County and Probate Courts.
37. Compensation of County Judge.—His jurisdiction in absence of Circuit Judge from county.
38. Justices of the Peace.—Term of office.—Commission.
39. Number of Justices of the Peace.
40. Jurisdiction of Justices of the Peace:—1st, Exclusive of Circuit Court.—2d, Concurrent with Circuit Court.—3d, In misdemeanors.—4th, As examining courts, and in binding to keep the peace.—5th, To issue process.—6th, As conservators of the peace.—Denied jurisdiction in questions of land.
41. Qualifications of Justices of the Peace.
42. Appeals from Justices of the Peace.
43. Jurisdiction of Corporation Courts.
44. Pulaski Chancery Court.—Term of office of Judge and Clerk.—Election.—Proceedings relative to sixteenth-section lands.
45. Separate Criminal Courts abolished.—Their jurisdiction transferred to Circuit Courts.—Their records.
46. County executive officers.—Term of office.—Compensation of Assessors.
47. Constables.—Their commissions.
48. Commissions of officers.
49. Style of process and indictments.
50. Vacancies in offices provided for in Art. VII.
51. Appeals in case of allowances for or against counties, cities, or towns.—Appeal bond.
52. Contested elections for county, township, or municipal offices.

ARTICLE VIII.

APPORTIONMENT.

1. Number of Representatives.—Ratio of representation.—Apportionment of Representatives.
2. Division of State into Senatorial Districts.—Ratio of representation in Senate.—Present Senatorial Districts and apportionment of Senators.—Number of Senators.
3. Principles of formation of Senatorial Districts.
4. Apportionments when to be made.

ARTICLE IX.

EXEMPTION.

1. Exemption of personal property of persons other than heads of families, from seizure for debt.

SECTION

2. Exemption of personal property of heads of families.
3. Homestead exemption.
4. Extent of exemption of homestead situate outside city, town, or village.
5. Extent of exemption of homestead in city, town, or village.
6. Homestead exemption for benefit of widow.—Proviso.—Rights of children during minority.
7. Separate property of married women.
8. Scheduling of separate personal property of married women.
9. Effect of exemptions of Constitution of 1868.
10. Homestead exemption for benefit of minor orphan children.

ARTICLE X.

AGRICULTURE, MINING, AND MANUFACTURES.

1. Agricultural, mining, and manufacturing interests of State.—Mining, Manufacturing, and Agricultural Bureau.
2. State Geologist.—Term of office.—Duties.—Compensation.—Removal.
3. Exemption from taxation, of mines and manufactures.

ARTICLE XI.

MILITIA.

1. Persons liable to military duty.—Organization of militia.
2. Volunteer companies.
3. Privilege of militia from arrest, at muster, etc.
4. Authority to call out volunteers and militia.

ARTICLE XII.

MUNICIPAL AND PRIVATE CORPORATIONS.

1. Revocation of existing charters and grants, for non-user.
2. Limitation of power of incorporation, by special act.
3. Incorporation of cities and towns.—Restriction of powers.
4. Limitation of legislative power of municipal corporations, and of their power of taxation.—Payment of existing indebtedness.
5. Municipal corporations not to become stockholders, or financially assist corporations, etc.
6. General incorporation laws.—Power of alteration and revocation.
7. State not to be interested in stock of corporations, etc.
8. Issue and increase of stock, etc., of private corporations.
9. Compensation for property and right of way, taken for use of corporations.
10. Legislation authorizing issue of circulating paper, prohibited.
11. Foreign corporations.
12. State not to assume liabilities of counties or corporations.—Exceptions.—Indebtedness of corporations to State.

ARTICLE XIII.

COUNTIES, COUNTY-SEATS, AND COUNTY LINES.

CONSTITUTION OF ARKANSAS.

SECTION

1. Minimum limits of counties prescribed.—Exceptions.
2. Consent of voters of territory affected, requisite to change of county lines.
3. Changes of county-seats.—County-seats of new counties.
4. Lines of new counties.
5. Division of Sebastian County into two districts.

ARTICLE XIV.

EDUCATION.

1. Free school system.
2. School funds to be used exclusively for purposes for which set apart.
3. State school tax.—Poll-tax for [School-Fund.—School-district tax.
4. Supervision of public schools, etc.

ARTICLE XV.

IMPEACHMENT AND ADDRESS.

1. Impeachments.—Judgment.
2. Power of impeachment.—Trial.
3. Removal upon address.

ARTICLE XVI.

FINANCE AND TAXATION.

1. Loan of public credit, and issue of interest-bearing evidences of public indebtedness, except to pay present debt, prohibited.
2. Payment of State debt.
3. Misappropriation of public moneys.
4. Salaries and fees —Clerks, etc., of departments of State.
5. Uniform rule of taxation.—Taxation of privileges, etc.—Property exempt from taxation.
6. Exemption by statutory enactment, void.
7. Taxation of corporate property.
8. Maximum rate of State taxes.
9. Maximum rate of county taxes.
10. County and municipal taxes, in what payable.
11. Levy and specific appropriation of taxes.
12. Disbursements.
13. Right of citizen to sue in behalf of inhabitants of county or municipality.

ARTICLE XVII.

RAILROADS, CANALS, AND TURNPIKES.

1. Railroads, etc., public highways.—Transportation companies common carriers.—Right to construct railroads.—Intersection and connection of railroads.
2. Transportation companies to maintain office in State—Transfers of stock.—Books.
3. Equal right to transportation.—Regulation of charges.
4. Parallel or competing lines of transportation not to be consolidated, or controlled by same parties.
5. Prohibitions upon officers, etc., of transportation companies.
6. Discrimination of charges between transportation companies and individuals, or in furnishing cars or motive power, prohibited.
7. General Assembly to prevent grant of free passes to officers of the State.

(XXX)

SECTION

8. Condition of remission of forfeiture of charter, or legislation favorable to corporations.
9. Eminent domain over property of corporations.
10. Legislation to correct abuses by transportation companies.
11. Movable property of railroad corporations personal property, and not to be exempted from execution.
12. Damages, by railroads, to person and property.
13. Annual report of railroad companies to Auditor.

ARTICLE XVIII.

JUDICIAL CIRCUITS.

Judicial circuits.—Terms of Circuit Courts.

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

1. Disqualifications of atheists.
2. Duelling.
3. Electors, only, qualified for office.
4. Residence, etc., of officers.
5. Officers to continue in office till qualification of successors.
6. Plurality of offices.
7. Forfeiture of residence.
8. Deductions from salaries of officers.
9. Creation of permanent State offices prohibited.
10. Returns of elections, to whom made.
11. Salaries of State officers.—Fees pertaining to State offices.—Maximum salaries of State officers.—Increase of salaries of members of General Assembly.
12. Publication of receipts and expenditures of public money.
13. Usury.—Rate of interest.
14. Lotteries prohibited.
15. Contracts for stationary, fuel, printing, furniture, etc., for State government.
16. Contracts for public buildings and bridges, and care of paupers.
17. Revision, publication, etc., of laws.
18. Security of miners and travellers.
19. Education of deaf and dumb, blind and insane.
20. Oath of office.
21. Sureties upon official bonds.
22. Amendments to Constitution, how originated.—To be published, and submitted to the people.—Not more than three to be proposed or submitted at same time.—Separate ratification of each.
23. Maximum of officers' salary and fees.—Disposition of excess received.
24. Contested elections not herein specifically provided for.
25. Seal of the State.
26. Officers eligible to executive and judicial office.
27. Assessments on real property, for local improvements, in towns and cities.

SCHEDULE.

1. Retention of existing laws.—Effect of exemption laws in force at adoption of Constitution of 1865.—Distinction between sealed and unsealed instruments.
2. Competency of witnesses.
3. First general election for officers, and election for submission of Constitution to the people.

SYLLABUS.

SECTION

4. Qualifications of voters thereat.
5. Notice thereof.
6. Governor's proclamation enjoining good order at such election.
7. State Board of Supervisors of Election.—Vacancies therein.
8. County Boards of Election Supervisors.—Vacancies therein.
9. Poll-books and ballot-boxes for the election.
10. Distribution, to officers of the election, of copies of the Constitution.
11. Judges of the election, and Election Clerks.—Cases of absence of judges of the election from the polls.
12. Conduct of the election.—Qualifications of voters, how decided.—Registration.
13. Style of ballot.
14. Deposit of tickets.—Elector to vote only in township or ward of residence.—Numbering of tickets.
15. Drinking houses to be closed, on day of the election.—Sale or gift of intoxicating liquor prohibited.
16. Hours of voting.—Counting of ballots.—Disposition of returns.—Copies of abstract of returns, ballots, and poll-books, where filed.
17. Ascertainment and publication of result of election on adoption of Constitution.—Constitution, if adopted, in force from date of such publication.—Abstract of returns of the election, to be filed with Secretary of

SECTION

- State.—List of members of General Assembly, elect, to be certified to General Assembly.—Abstract of returns of election of State officers to be certified to Speaker of House of Representatives, and the result by him announced.—State officers elected, when to enter upon their duties.
18. All officers chosen at this election to be commissioned by Governor.
 19. First election of Representatives and Senators.—Their certificates of election.
 20. Officers elected, other than State officers, when to enter upon their duties.
 21. Prior incumbents to vacate their offices.
 22. Time of convening of first session of General Assembly.
 23. Transfer of jurisdiction from Boards of Supervisors to County Courts, from Criminal Courts to Circuit Courts, and of probate business to Probate Courts.
 24. Present incumbents to continue in office till qualification of successors.—Commissioner of State Lands.
 25. Penalty of fraud by officers of the election, or other persons.
 26. Tenure of office of officers chosen at the election.—Time of next general election.—Election of Congressmen.
 27. Appropriation to defray expenses of the election.
 28. Present salaries of State officers.—Per diem and mileage of members of General Assembly.





CONSTITUTION

OF THE

STATE OF ARKANSAS.

PREAMBLE.

We the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of Government; for our civil and religious liberty; and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this Constitution.

ARTICLE I.

BOUNDARIES.

We do declare and establish ratify and confirm the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi river, on the parallel of thirty six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis river; thence up the main channel of said last named river, to the parallel of thirty six degrees, thirty minutes of north latitude; thence west with the Southern boundary line of the State of Missouri to the South West corner of said last named State; thence to be bounded on the West to the North bank of Red river, as by act of Con-

Boundaries of the State.

gress and treaties existing January first 1837, defining the Western limits of the territory of Arkansas, and to be bounded across and South of Red river by the boundary line of the State of Texas as far as to the North West corner of the State of Louisiana; thence easterly with the northern boundary line of said last named state to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said last named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the Territory or State of Arkansas, to the thirty sixth degree of north latitude, the place of beginning.

SEAT OF GOVERNMENT.

Seat of govern-
ment.

The seat of government of the State of Arkansas shall be and remain at Little Rock, where it is now established.

ARTICLE II.

DECLARATION OF RIGHTS.

Source of political power.

Object of government.

Right of reform and abolition.

Natural freedom and independence of men. Inalienable rights.

Origin of government.

Equality of all persons before the law.

SECTION 1. All political power is inherent in the people, and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think proper.

SEC. 2. All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property, and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 3. The equality of all persons before the law, is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immu-

nity; nor exempted from any burden or duty, on account of race color or previous condition.

SEC. 4. The right of the people peacefully to assemble, to consult for the common good; and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

Right of public
assembly:
And of petition.

SEC. 5. The citizens of this State shall have the right to keep and bear arms for their common defense.

Right to bear
arms.

SEC. 6. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.

Liberty of the
press and of
speech

Libel.

SEC. 7. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

Trial by jury.

SEC. 8. No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment or cases such as the General Assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction; or cases arising in the army and navy of the United States; or in the militia when in actual service in time of war or public danger; and no person, for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had, may, in its discretion, discharge the jury, and commit or bail the accused for trial, at the same or the next term of said court; nor shall any person be compelled, in any criminal

No person to be
held to answer for
crime, but on presentment or indictment.

Exceptions.

No person to be
twice put in jeopardy for same offense:

Or be compelled to be witness against himself. Security for life, liberty, and property.
Right to bail.

nal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Excessive bail and fines, cruel punishments, and detention of witnesses, prohibited.

SEC. 9. Excessive bail shall not be required; nor shall excessive fines be imposed; nor shall cruel or unusual punishment be inflicted; nor witnesses be unreasonably detained.

Rights of accused, in criminal prosecutions.

SEC. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county in which the crime shall have been committed; provided that the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such manner as now is, or may be prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to be heard by himself and his counsel.

Habeas corpus.

SEC. 11. The privilege of the writ of habeas corpus shall not be suspended; except by the General Assembly, in case of rebellion, insurrection, or invasion, when the public safety may require it.

Suspension of the laws.

SEC. 12. No power of suspending or setting aside the law or laws of the State, shall ever be exercised, except by the General Assembly.

Redress of wrongs.

SEC. 13. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely and without denial; promptly and without delay; conformably to the laws.

Treason.

SEC. 14. Treason against the State shall only consist

in levying and making war against the same, 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 confession in open court.

SEC. 15. The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Security against unreasonable searches and seizures.

SEC. 16. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Imprisonment for debt prohibited.

SEC. 17. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Attainder, laws *ex post facto*, impairing contracts, etc., prohibited.

SEC. 18. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

Equality of privileges and immunities.

SEC. 19. Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.

Perpetuities, monopolies, and hereditary distinctions, prohibited.

SEC. 20. No distinction shall ever be made by law, between resident aliens and citizens, in regard to the possession, enjoyment, or descent of property.

Resident aliens.

SEC. 21. No person shall be taken or imprisoned, or dis siezed of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed, or deprived of his life, liberty, or property; except by the judgment of

Life, liberty, and property, how secured.

Banishment prohibited. his peers, or the law of the land; nor shall any person, under any circumstances, be exiled from the State.

Private property taken for public use. SEC. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

State's right of eminent domain, and of taxation. SEC. 23. The State's ancient right of eminent domain and of taxation, is herein fully and expressly conceded;

Delegation of taxing power. and the General Assembly may delegate the taxing power, with the necessary restriction, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance and well being, but no further.

Right of religious liberty. SEC. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship, above any other.

Protection of religious liberty. SEC. 25. Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

Religious tests prohibited. SEC. 26. No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

Oaths or affirmations not to be dispensed with. SEC. 27. There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace;

Involuntary servitude, except for crime, prohibited.

Standing army.

the military shall, at all times, be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace; nor in time of war, except in a manner prescribed by law.

Military subordinate to civil power. Quarters of troops.

SEC. 28. All lands in this State are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

Tenure of lands.

SEC. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained shall be void.

This enumeration of rights not to disparage other rights.

Paramount authority of Declaration of Rights and of Constitution.

ARTICLE III.

FRANCHISE AND ELECTIONS.

SEC. 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty one years, who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.

Qualifications of electors.

SEC. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted, whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

Freedom of elections.

Right of suffrage not to depend on previous registration.

Or impairable except on conviction for felony.



- Elections to be by ballot.** **Numbering of ballots.** **Secrecy of the ballot.** **Privilege of electors.** **Idiots and insane.** **Corrupt violation of election laws to disqualify for office.** **U. S. soldiers, sailors, and marines.** **Time of holding general elections.** **Testimony in cases of contested elections.** **Causes of disqualification as election officer.**
- SEC. 3. All elections by the people shall be by ballot. Every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers, on the list of voters opposite the name of the elector who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding, or a proceeding to contest an election.
- SEC. 4. Electors shall, in all cases (except treason, felony and breach of the peace,) be privileged from arrest during their attendance at elections, and going to and from the same.
- SEC. 5. No idiot or insane person shall be entitled to the privileges of an elector.
- SEC. 6. Any person who shall be convicted of fraud, bribery, or other wilful and corrupt violation of any election law of this State, shall be adjudged guilty of a felony, and disqualified from holding any office of trust, or profit in this State.
- SEC. 7. No soldier, sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.
- SEC. 8. The general elections shall be held biennially, on the first monday of September; but the General Assembly may by law, fix a different time.
- SEC. 9. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.
- SEC. 10. No person shall be qualified to serve as an election officer, who shall hold, at the time of the election,

any office, appointment, or employment in or under the government of the United States, or of this State, or in any city or county or any municipal board, commission or trust in any city, save only the justices of the peace, and aldermen, notaries public, and persons in the militia service of the State. Nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve—save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

SEC. 11. If the officers of any election shall unlawfully refuse or fail to receive, count or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any conte[n]st arising out of said election.

Votes unlawfully refused, to be counted on trial of contest.

SEC. 12. All elections by persons acting in a representative capacity shall be *viva voce*.

Elections by parties representative.

ARTICLE IV.

DEPARTMENTS.

SEC. 1. The powers of the government of the State of Arkansas 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 judicial to another.

Departments government.

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

Separation of departments.

ARTICLE V.

LEGISLATIVE.

General Assem-
bly.

SECTION 1. The legislative power of this State shall be vested in a General Assembly, which shall consist of the Senate and House of Representatives.

House of Repre-
sentatives.

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Senate.

SEC. 3. The Senate shall consist of members to be chosen every four years, by the qualified electors of the several districts. At the first session of the Senate, the Senators shall divide themselves into two classes, by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

Qualifications of
Senators and
Representatives.

SEC. 4. No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been for two years next preceding his election, a resident of this State, and for one year next preceding his election, a resident of the county or district whence he may be chosen. Senators shall be at least twenty five years of age, and Representatives at least twenty one years of age.

Times of meeting.

SEC. 5. The General Assembly shall meet at the seat of government every two years, on the first tuesday after the second monday in November, until said time be altered by law.

Vacancies.

SEC. 6. The Governor shall issue writs of election, to fill such vacancies as shall occur in either house of the General Assembly.

SEC. 7. No judge of the Supreme, Circuit or inferior courts, of law or equity, Secretary of State, Attorney General for the State, Auditor or Treasurer, Recorder, clerk of any court of record, sheriff, coroner, member of Congress, nor any other person holding any lucrative office under the United States or this State, (militia officers, Justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the General Assembly.

Officers ineligible to General Assembly.

SEC. 8. No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any office of trust or profit, until he shall have accounted for and paid over, all sums for which he may have been liable.

Holders of public moneys disqualified for office, until settlement.

SEC. 9. No person hereafter convicted of embezzlement of public money, bribery, forgery, or other infamous crime, shall be eligible to the General Assembly or capable of holding any office of trust or profit in this State.

Conviction of infamous crime to disqualify for office.

SEC. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

Senator or Representative disqualified for civil office.

SEC. 11. Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns and elections of its own members. A majority of all the members elected to 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, in such manner and under such penalties as each house shall provide.

Each house to appoint its officers, and determine qualifications, etc., of its members. Quorum.

SEC. 12. Each house shall have the power to determine the rules of its proceedings; and punish its members or other persons, for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its

Rules.

Punishment for contempts.

Enforcement of process.

- Protection of members. Expulsion of members. members against violence or offers of bribes, or private solicitations; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause. A member expelled for corruption shall not, thereafter, be eligible to either house; and punishment for contempt, or disorderly behavior, shall not bar an indictment for the same offense.
- Journal. Each house shall keep a journal of its proceedings; and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays, on any question, shall, at the desire of any five members, be entered on the journals.
- Yeas and nays.
- Proceedings to be public. SEC. 13. The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.
- Elections by joint or concurrent vote. SEC. 14. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses or by the separate vote of either house of the General Assembly, the vote shall be taken *viva voce* and entered on the journals.
- Privileges of Senators and Representatives. SEC. 15. The members of the General Assembly shall, in all cases except treason, felony, and breach, or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses; and, in going to, and returning from the same; and, for any speech or debate in either house, they shall not be questioned in any other place.
- Pay and mileage. SEC. 16. The members of the General Assembly shall receive such *per diem* pay and mileage for their services, as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services, under any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election.
- Term to begin with election.
- Duration of sessions. SEC. 17. The regular biennial sessions shall not exceed sixty days in duration; unless by a vote of two-thirds of

the members elected to each house of said General Assembly. Provided, that this section shall not apply to the first session of the General Assembly under this Constitution, or when impeachments are pending.

SEC. 18. Each house, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur; shall elect from its members a presiding officer, to be styled, respectively, the President of the Senate, and the Speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, the Senate shall elect another President from those members whose terms of office continue over, who shall qualify and remain President of the Senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of Governor, shall perform the duties and exercise the powers of Governor, as elsewhere herein provided.

Presiding officers.

President of Senate to succeed to Governorship, in case of vacancy.

SEC. 19. The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas."

Style of laws.

SEC. 20. The State of Arkansas shall never be made defendant in any of her courts.

State not to be sued in her courts.

SEC. 21. No law shall be passed except by [by] bill, and no bill shall be so altered or amended on its passage through either house, as to change its original purpose.

Laws to be by bill.

Amendment of bills.

SEC. 22. Every bill shall be read at length, on three different days, in each house; unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays; the names of the persons voting for and against the same be entered on the journal; and a majority of each house be recorded thereon as voting in its favor.

Passage of bills.

Revival, amend-
ment, and exten-
sion, of laws.

SEC. 23. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but [but] so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

Classes of special
legislation pro-
hibited.

SEC. 24. The General Assembly shall not pass any local or special law changing the venue in criminal cases; changing the names of persons, or adopting or legitimizing children; granting divorces; vacating roads, streets or alleys.

Restriction on
special legisla-
tion.

SEC. 25. In all cases where a general law can be made applicable, no special law shall be enacted; nor shall the operation of any general law be suspended by the legislature for the benefit of any particular individual, corporation, or association; nor where the courts have jurisdiction to grant the powers, or the privileges, or the relief asked for.

Publication of
notice of local
and special bills.

SEC. 26. No local or special bill shall be passed, unless notice of the intention to apply therefor, shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be, at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

Extra compensa-
tion to officers,
agents, em-
ployees, and con-
tractors.

Appropriations
for claims, in
matters not pro-
vided for by pre-
existing laws.

SEC. 27. No extra compensation shall be made to any officer, agent, employe or contractor, after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by preexisting laws; unless such compensation or claim, be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 28. Neither house shall, without the consent of Adjournment.
the other, adjourn for more than three days; nor to any
other place than that in which the two houses shall be
sitting.

SEC. 29. No money shall be drawn from the treasury Appropriations
to be specific, and
limited to two
years.
except in pursuance of specific appropriation made by
law, the purpose of which shall be distinctly stated
in the bill, and the maximum amount which may be drawn
shall be specified in dollars and cents; and no appropriations
shall be for a longer period than two years.

SEC. 30. The general appropriation bill shall embrace General and
special appropri-
ation bills.
nothing but appropriations for the ordinary expense
of the executive, legislative and judicial departments of
the State; all other appropriations shall be made by sepa-
rate bills each embracing but one subject.

SEC. 31. No State tax shall be allowed, or appropria- Requisites to al-
lowances of State
tax and approp-
riations of mon-
ey.
tion of money made, except to raise means for the
payment of the just debts of the State, for defraying the nec-
essary expenses of government, to sustain common schools,
to repel invasion and suppress insurrection, except by a
majority of two-thirds of both houses of the General Assem-
bly.

SEC. 32. No act of the General Assembly shall limit Redress for inju-
ries to person or
property.
the amount to be recovered for injuries resulting in death,
or for injuries to persons or property; and, in case
of death from such injuries, the right of action shall survive,
and the General Assembly shall prescribe for whose benefit
such action shall be prosecuted.

SEC. 33. No obligation or liability of any railroad, Liabilities of cor-
porations to the
State.
or other corporation held or owned by this State shall
ever be exchanged, transferred, remitted, postponed, or
in any way diminished by the General Assembly; nor shall
such liability or obligation be released, except by payment
thereof into the State treasury.

Bills not to be introduced during last three days of session. SEC. 34. No new bill shall be introduced into either house during the last three days of the session.

Bribery of officers. SEC. 35. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly; and any such executive or judicial officer, or member of the General Assembly, who shall receive or consent to receive any such consideration, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony, and be punished accordingly.

Expulsion of member no bar to indictment. SEC. 36. Proceedings to expel a member for a criminal offense, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offense.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

Executive officers. SECTION 1. The (ex)ecutive department of this State shall consist of a Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General; all of whom shall Offices to be at seat of government. keep their offices in person at the seat of government and Terms of office. hold their offices for the term of two years, and until their successors are elected and qualified; and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands. Commissioner of State Lands.

Governor. SEC. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Arkansas."

Election of executive officers. SEC. 3. The Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be elected by the qualified electors of the State at large, at

the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the Speaker of the House of Representatives; who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The person having the highest number of votes, for each of the respective offices, shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.

SEC. 4. Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be determined by the members of both houses of the General Assembly, in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the General Assembly after the election in which the same shall have arisen.

SEC. 5. No person shall be eligible to the office of Governor except a citizen of the United States, who shall have attained the age of thirty years, and shall have been seven years a resident of this State.

SEC. 6. The Governor shall be Commander-in-chief of the military and naval forces of this State except when they shall be called into the actual service of the United States.

SEC. 7. He may require information, in writing, from the officers of the Executive Department, on any sub-

Returns.

Declaration of election.

Case of tie.

Contested elections for executive officers.

Qualifications of Governor.

Governor to be Commander-in-Chief.

May require information from officers of Executive Department.

Execution of the laws. ject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Messages to General Assembly. SEC. 8. He shall give to the General Assembly, from time to time, and at the close of his official term, to the next General Assembly, information, by message, concerning the condition and government of the State; and recommend for their consideration such measures as he may deem expedient.

Great Seal of the State. SEC. 9. A seal of the State shall be kept by the Governor, used by him officially and called the "Great Seal of the State of Arkansas."

Grants and commissions. SEC. 10. All grants and commissions shall be issued in the name, and by the authority of the State of Arkansas; sealed with the great seal of the State; signed by the Governor, and attested by the Secretary of State.

Persons ineligible to office of Governor. SEC. 11. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall exercise the office of Governor, except as herein provided.

Death, conviction on impeachment, or other disability, of Governor. SEC. 12. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties, and emoluments of the office for the remainder of the term, or until the disability be removed, or a Governor elected and qualified, shall devolve upon, and accrue, to the President of the Senate.

Impeachment or other disability of President of Senate, acting as Governor. SEC. 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State; the Speaker of the House of Representatives shall, in like manner, administer the government.

Election to fill vacancy in office of Governor. SEC. 14. Whenever the office of Governor shall have become vacant by death, resignation, removal from office or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term

of office for which the late Governor shall have been elected, the President of the Senate or Speaker of the House of Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days previous notice thereof, which election shall be governed by the same rules prescribed for general elections of Governor as far as applicable; the returns shall be made to the Secretary of State, and the acting Governor, Secretary of State and Attorney General, shall constitute a board of canvassers, a majority of whom shall compare said returns, and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

Returns.

Contested election.

SEC. 15. Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal; and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house; by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number 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 or against the bill, shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall become a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give

Bills to be presented to Governor for approval.

Proceedings in case of veto.

Bill not returned within five days, to become a law.

Bills passed during last five days of session.

notice thereof, by public proclamation, within twenty days after such adjournment.

Concurrent orders and resolutions to be presented to Governor for approval.

SEC. 16. Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions 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 both houses, according to the rules and limitations prescribed in the case of a bill.

Proceedings in case of veto.

Veto of items of appropriation bills.

SEC. 17. The Governor shall have power to disapprove any item or items, of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law; and the item or items of appropriations disapproved, shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Proceedings in such case.

General pardoning power

SEC. 18. In all criminal and penal cases, except in those of treason and impeachment, the Governor shall have power to grant reprieves, commutations of sentence, and pardons, after conviction; and to remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the adjournment of the next regular session of the General Assembly. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefor; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon or reprieve.

Pardoning power in cases of treason.

Information concerning pardons, etc., to be communicated to General Assembly.

Extra sessions of General Assembly, and convocation elsewhere than at seat of government.

SEC. 19. The Governor may, by proclamation 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 contagious disease; and he shall specify in his proclamation the purpose for which they are convened; and no other business than that set forth therein shall be transacted until the same shall have been disposed of; after which they may, by a vote of two thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

SEC. 20. In cases of disagreement between the two houses of the General Assembly, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and on account of danger from an enemy or disease, to such other place of safety as he may think proper.

Case of disagreement, in General Assembly, as to time of adjournment.

SEC. 21. The Secretary of State shall keep a full and accurate record of all the official acts and proceedings of the Governor; and, when required, lay the same with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly. He shall also discharge the duties of Superintendent of Public Instruction, until otherwise provided by law.

Duties of Secretary of State.

Superintendent of Public Instruction.

SEC. 22. The Treasurer of State, Secretary of State, Auditor of State, and Attorney General shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this State or under any State, or the United States, or any other power, at one and the same time; and in case of vacancy occurring in any of said offices, by death, resignation or otherwise, the Governor shall fill said office by appointment for the unexpired term.

Duties of other officers of Executive Department.

Their disqualification to hold other office.

Vacancies in their offices.

SEC. 23. When any office, from any cause, may become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall

Vacancies in office, not elsewhere provided for.

expire when the person elected to fill said office, at the next general election, shall be duly qualified.

ARTICLE VII.

JUDICIAL DEPARTMENT.

Judicial power,
where vested.

SECTION 1. The judicial power of the State shall be vested in one Supreme Court; in circuit courts; in County and Probate Courts; and in Justices of the Peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation Courts, Courts of Common Pleas, where established; and, when deemed expedient, may establish separate courts of chancery.

Establishment of
additional courts.

Supreme Court.
Chief Justice.
Quorum.

SEC. 2. The Supreme Court shall be composed of three Judges, one of whom shall be styled Chief Justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two Judges shall, in every case, be necessary to a decision.

Increase of num-
ber of Judges of
Supreme Court.

SEC. 3. When the population of the State shall amount to one million, the General Assembly may, if deemed necessary, increase the number of Judges of the Supreme Court to five; and, on such increase, a majority of Judges shall be necessary to make a quorum or a decision.

General jurisdic-
tion of Supreme
Court.

SEC. 4. The Supreme Court, except in cases otherwise provided by this Constitution, shall have appellate jurisdiction only; which shall be coextensive with the State, under such restrictions as may from time to time be prescribed by law. It shall have a general superintending control over all inferior courts or law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of error, and supersedeas, certiorari, habeas corpus, prohibition, mandamus, and quo warranto, and other remedial writs; and to hear and determine the same. Its Judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs.

Jurisdiction
of individual
Judges of Su-
preme Court.

SEC. 5. In the exercise of original jurisdiction, the Supreme Court shall have power to issue writs of quo warranto to the Circuit Judges and Chancellors, when created, and to officers of Political Corporations when the question involved is the legal existence of such corporations.

Jurisdiction of
Supreme Court in
quo warranto.

SEC. 6. A Judge of the Supreme Court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States, and two years a resident of the State; and who has been a practicing lawyer eight years, or whose service upon the bench of any Court of Record, when added to the time he may have practiced law, shall be equal to eight years. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the Court, after the first election under this Constitution, the Judges shall, by lot, divide themselves into three classes; one of which shall hold his office for four, one for six, and the other for eight years; after which, each Judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.

Qualifications of
Judges of Su-
preme Court.

Election.

Term of office.

SEC. 7. The Supreme Court shall appoint its Clerk and Reporter, who shall hold their offices for six years, subject to removal for good cause.

Clerk and Re-
porter of Supreme
Court.
Term of office.

SEC. 8. The terms of the Supreme Court shall be held at the seat of government, at the times that now are, or may be, provided by law.

Terms of Su-
preme Court.

SEC. 9. In case all, or any of the Judges of the Supreme Court shall be disqualified from presiding in any cause or causes, the Court, or the disqualified Judge, shall certify the same, to the Governor, who shall immediately commission the requisite number of men learned in the law, to sit in the trial and determination of such causes.

Special Judges
of Supreme
Court.

- Compensation of Supreme Judges.** SEC. 10. The Supreme Judges shall at stated times, receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next General Assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the State or the United States.
- Their disqualification to hold other office.**
- Jurisdiction of Circuit Courts.** SEC. 11. The circuit court shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this Constitution.
- Terms of Circuit Courts.** SEC. 12. The Circuit Courts shall hold their terms in each county, at such times and places as are, or may be, prescribed by law.
- Judicial circuits.** SEC. 13. The State shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a Judge shall be elected; who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.
- Judge of Circuit Court to reside and be conservator of peace in his circuit.**
- Superintending and appellate jurisdiction of Circuit Courts.** SEC. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over County, Probate, Court of Common Pleas, and Corporation Courts and Justices of the Peace; and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the Judge of the appropriate court in vacation.
- Equity jurisdiction of Circuit Courts.** SEC. 15. Until the General Assembly shall deem it expedient to establish Courts of Chancery, the Circuit Courts shall have jurisdiction in matters of equity, subject to appeal to the Supreme Court, in such manner as may be prescribed by law.

SEC. 16. A Judge of the Circuit Court shall be a citizen of the United States, at least twenty eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

Qualifications of Judges of Circuit Courts.

SEC. 17. The Judges of the Circuit Courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

Election of Judges of Circuit Courts. Term of office.

SEC. 18. The Judges of the Circuit Courts shall at stated times, receive a compensation for their services to be ascertained by law; which shall not after the adjournment of the first session of the General Assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

Compensation of Judges of Circuit Courts.

SEC. 19. The clerks of the Circuit Court shall be elected by the qualified electors of the several counties, for the term of two years, and shall be ex-officio clerks, of the County and Probate Courts, and Recorder; provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last federal s(c)ensus, there shall be elected a county clerk, in like manner as clerk of the Circuit Court, who shall be ex-officio Clerk, of the Probate Court of said County.

Disqualification to hold other office.

Clerks of Circuit Courts. Election. Term of office.

To be ex officio County and Probate Clerks, and Recorders. Separate County Clerks in certain counties.

To be ex officio Probate Clerk.

SEC. 20. No Judge or Justice shall pri(e)side in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel; or have presided in any inferior Court.

Interest, consanguinity, etc., to disqualify Judge from presiding at trial.

SEC. 21. Whenever the office of Judge of the Circuit Court of any county is vacant at the commencement of a

Special Judges of Circuit Courts.

term of such Court, or the Judge of said Court shall fail to attend, the regular practicing attorneys in attendance on said Court, may meet at 10 o'clock A. M. on the second day of the term and elect a Judge to preside at such Court, or until the regular Judge shall appear: and if the Judge of said court shall become sick, or die, or unable to continue to hold such Court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the Judge, or clerk of said Court, elect a Judge to preside at such Court, or to try said causes; and the attorney so elected shall have the same power and authority in said Court as the regular Judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceedings shall be entered at large upon the record. The special Judge shall be learned in the law, and a resident of the State.

Powers of Special Judges.

Their qualifications.

SEC. 22. The Judges of the Circuit Courts may temporarily exchange circuits, or hold courts for each other under such regulations as may be prescribed by law.

Exchange of circuits.

SEC. 23. Judges shall not charge Juries with regard to matters of fact, but shall declare the law; and, in jury trials shall reduce their charge or instructions to writing, on the request of either party.

Prosecuting Attorneys.

Term of office.

Qualifications.

SEC. 24. The qualified electors of each circuit shall elect a Prosecuting Attorney, who shall hold his office for the term of two years; and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.

Judges prohibited from practicing law.

SEC. 25. The Judges of the Supreme, Circuit, or Chancery Courts shall not, during their continuance in office, practice law, or appear as counsel in any court—State or Federal—within this State.

SEC. 26. The General Assembly shall have power to regulate, by law, the punishment of Contempts; not committed in the presence or hearing of the Courts, or in disobedience of process.

Contempts not in presence of court or disobedience of process.

SEC. 27. The Circuit Court shall have jurisdiction upon information, presentment or indictment, to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance, or nonfeasance in office.

Removal of county and township officers.

SEC. 28. The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties. The County Court shall be held by one Judge, except in cases otherwise herein provided.

Jurisdiction of County Courts.

County Court to be held by one judge.

SEC. 29. The Judge or the County Court shall be elected by the qualified electors of the county, for the term of two years. He shall be at least twenty five years of age, a citizen of the United States, a man of upright character, of good business education, and a resident of the State, for two years before his election; and a resident of the County at the time of his election, and during his continuance in office.

Judges of County Courts.
Election.
Term of office.

Qualifications.

SEC. 30. The Justices of the Peace of each county shall sit with and assist the County Judge in levying the county taxes, and in making appropriations for the expenses of the county, in the manner to be prescribed by law; and the County Judge, together with a majority of said Justices, shall constitute a quorum for such purposes; and in the absence of the County Judge a majority of the Justices of the Peace may constitute the Court, who shall elect one of their number to preside. The General Assembly shall regulate by law the manner of compelling the attendance of such quorum.

Quorum of the county.
Powers.

Majority must sit.

Compulsory attendance.

Terms of County Courts. SEC. 31. The terms of the county courts shall be held at the times that are now prescribed for holding the Supervisors' courts, or may hereafter be prescribed by law.

Courts of Common Pleas, Jurisdiction. SEC. 32. The General Assembly may authorize the Judge of the County Court of any one or more counties, to hold severally a quarterly Court of Common Pleas, in their respective Counties; which shall be a court of record, with such jurisdiction in matters of contract and other civil matters, not involving title to real estate, as may be vested in such court.

Appeals from County Courts and Courts of Common Pleas. SEC. 33. Appeals from all judgments of County Courts or Courts of Common Pleas, when established, may be taken to the Circuit Court under such restrictions and regulations as may be prescribed by law.

Courts of Probate, Jurisdiction, Terms. SEC. 34. The Judge of the County Court shall be the Judge of the Court of Probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind, and their estates, as is now vested in the Circuit Court, or may be hereafter prescribed by law. The regular terms of the Court of Probate shall be held at the times that may hereafter be prescribed by law.

Appeals from Probate Courts. SEC. 35. Appeals may be taken from judgments and orders of the Probate Court to the Circuit Court, under such regulations and restrictions as may be prescribed by law.

Special Judges for County and Probate Courts. SEC. 36. Whenever a Judge of the County or Probate Court may be disqualified from presiding, in any cause or causes pending in his court, he shall certify the facts to the Governor of the State, who shall thereupon commission a special Judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

Compensation of County Judge. SEC. 37. The County Judge shall receive such compensation for his services as presiding Judge of the County Court,

as Judge of the Court of Probate, and Judge of the Court of Common Pleas, when established, as may be provided by law. In the absence of the circuit Judge from the county, the County Judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the Court having jurisdiction; provided, that either party may have such order reviewed by any superior Judge in vacation in such manner as shall be provided by law. The County Judge shall have power, in the absence of the Circuit Judge from the county, to issue, hear and determine writs of habeas corpus, under such regulations and restrictions as shall be provided by law.

His jurisdiction in absence of Circuit Judge from county.

SEC. 38. The qualified electors of each township shall elect the Justices of the Peace for the term of two years; who shall be commissioned by the Governor, and their official oath shall be indorsed on the commission.

Justices of the Peace. Election. Term of office. Commission.

SEC. 39. For every two hundred electors there shall be elected one Justice of the Peace; but every township, however small shall have two Justices of the Peace.

Number of Justices of the Peace.

SEC. 40. They shall have original jurisdiction in the following matters: First—Exclusive of the Circuit Court, in all matters of Contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest; and concurrent jurisdiction in matters of contract, where the amount in controversy, does not exceed the sum of three hundred dollars, exclusive of interest—Second—Concurrent jurisdiction in suits for the recovery of personal property, where the value of the property does not exceed the sum of three hundred dollars; and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars. Third—Such jurisdiction of misdemeanors as is now, or may be prescribed by law. Fourth—To sit as examining Courts and commit, discharge, or recognize

Jurisdiction of Justices of the Peace. 1st, Exclusive of Circuit Court.

2d, Concurrent with Circuit Court.

3d, In misdemeanors.

4th, As examining courts:

offenders to the court having jurisdiction, for further trial

and to bind persons to keep the peace or for good behavior.

5th, To issue process. Fifth—For the foregoing purposes, they shall have power to

6th, As conservators of the peace. issue all necessary process. Sixth—They shall be con-

Denied jurisdiction in questions of land. servators of the peace within their respective counties. Pro-

vided, a Justice of the Peace shall not have jurisdiction where a lien on land, or title or possession thereto is involved.

Qualifications of Justices of the Peace.

SEC. 41. A Justice of the Peace shall be a qualified elector and a resident of the township for which he is elected.

Appeals from Justices of the Peace.

SEC. 42. Appeals may be taken from the final judgments of the Justices of the Peace, to the Circuit Courts, under such regulations as are now, or may be provided by law.

Jurisdiction of Corporation Courts.

SEC. 43. Corporation Courts, for towns and cities, may be invested with jurisdiction concurrent with Justices of the Peace in civil and criminal matters, and the General Assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offences not punishable by death, or imprisonment in the penitentiary, with or without indictment, as may be provided by law; and, until the General Assembly shall otherwise provide, they shall have the jurisdiction now provided by law.

Pulaski Chancery Court.

SEC. 44. The Pulaski Chancery Court shall continue in existence until abolished by law or the business pending at the adoption of this Constitution shall be disposed of, or the pending business be transferred to other courts. The Judge

Term of office of Judge and Clerk.

and clerk of said Court shall hold office for the term of two years; and shall be elected by the qualified voters of the

Election.

Proceedings relative to Sixteenth Section Lands.

State. All suits and proceedings which relate to sixteenth section lands, or to money due for said lands shall be transferred to the respective counties, where such lands are located, in such manner as shall be provided by the General Assembly at the next session.

SEC. 45. The Separate Criminal Courts established in this State are hereby abolished, and all the jurisdiction exercised by said Criminal Courts is vested in the Circuit Courts of the respective counties; and all causes now pending therein are hereby transferred to said Circuit Courts respectively. It shall be the duty of the clerks of said Criminal Courts to transfer all the records, books and papers pertaining to said Criminal Courts to the Circuit Courts of their respective counties.

Separate Criminal Courts abolished. Their jurisdiction transferred to Circuit Courts.

Their records.

SEC. 46. The qualified electors of each county shall elect one Sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law; one Assessor, one Coroner, one Treasurer, who shall be ex-officio treasurer of the common school fund of the county, and one County Surveyor; for the term of two years, with such duties as are now or may be prescribed by law: Provided, that no per centum shall ever be paid to Assessors upon the valuation or assessment of property by them.

County executive officers.

Term of office.

Compensation of Assessors.

SEC. 47. The qualified electors of each township shall elect a Constable, for the term of two years, who shall be furnished by the presiding Judge of the County Court, with a certificate of election, on which his official oath shall be indorsed.

Constables.

Their commissions.

SEC. 48. All officers provided for in this article, except Constables, shall be commissioned by the Governor.

Commissions of officers.

SEC. 49. All writs and other judicial process, shall run in the name of the State of Arkansas, bear test and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the State of Arkansas."

Style of process and indictments.

SEC. 50. All vacancies occurring in any office provided for in this article, shall be filled by special election; save that in case of vacancies occurring in county and township offices six months, and in other offices nine months, before the next

Vacancies in offices provided for in Art. VII.

general election, such vacancies shall be filled by appointment by the Governor.

Appeals in cases of allowances for or against counties, cities, or towns.

SEC. 51. That in all cases of allowances made for or against counties, cities, or towns, an appeal shall lie to the circuit court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax payer of such county, city or town, on the same terms and conditions on which appeals may be granted to the circuit court in other cases; and the matter pertaining to any such allowance shall be tried in the circuit court *de novo*. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to prosecute the appeal, and save the county from costs on account of the same being taken.

Appeal bond.

Contested election for county, township, or municipal officers.

SEC. 52. That in all cases of contest for any County, township, or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council, or tribunal to the circuit court, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and on such appeals the case shall be tried *de novo*.

ARTICLE VIII.

A P P O R T I O N M E N T .

Number of Representatives.

SECTION 1. The House of Representatives shall consist of not less than seventy three, nor more than one hundred members. Each county now organized shall always be entitled to one Representative; the remainder to be apportioned the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of Representatives amounts to one hundred, when they shall not be further increased, but the ratio of representation shall, from time to time, be increased as hereinafter pro-

Ratio of representation.

vided; so that the Representatives shall never exceed that number. And until the enumeration of the inhabitants is taken by the United States government, A. D. 1880, the Representatives shall be apportioned among the several counties as follows:

Apportionment
of Representa-
tives.

The county of Arkansas shall elect one Representative. The county of Ashley shall elect one Representative. The county of Benton shall elect two Representatives. The county of Boone shall elect one Representative. The county of Bradley shall elect one Representative. The county of Baxter shall elect one Representative. The county of Calhoun shall elect one Representative. The county of Carroll shall select one Representative. The county of Chicot shall elect one Representative. The county of Columbia shall elect two Representatives. The county of Clark shall elect two Representatives. The county of Conway shall elect one Representative. The county of Craighead shall elect one Representative. The county of Crawford shall elect one Representative. The county of Cross shall elect one Representative. The county of Crittenden shall elect one Representative. The county of Clayton shall elect one Representative. The county of Dallas shall elect one Representative. The county of Desha shall elect one Representative. The county of Drew shall elect one Representative. The county of Dorsey shall elect one Representative. The county of Franklin shall elect one Representative. The county of Fulton shall elect one Representative. The county of Faulkner shall elect one Representative. The county of Grant shall elect one Representative. The county of Green shall elect one Representative. The county of Garland shall elect one Representative. The county of Hempstead shall elect two Representatives. The county of Hot Spring shall elect one Representative. The county of Howard shall elect one Representative. The county of Independence shall elect two

Representatives. The county of Izard shall elect one Representative. The county of Jackson shall elect one Representative. The county of Jefferson shall elect three Representatives. The county of Johnson shall elect one Representative. The county of Lafayette shall elect one Representative. The county of Lawrence shall elect one Representative. The county of Little River shall elect one Representative. The county of Lonoke shall elect two Representatives. The county of Lincoln shall elect one Representative. The county of Lee shall elect two Representatives. The county of Madison shall elect one Representative. The county of Marion shall elect one Representative. The county of Monroe shall elect one Representative. The county of Montgomery shall elect one Representative. The county of Mississippi shall elect one Representative. The county of Nevada shall elect one Representative. The county of Newton shall elect one Representative. The county of Ouachita shall elect two Representatives. The county of Perry shall elect one Representative. The county of Phillips shall elect three Representatives. The county of Pike shall elect one Representative. The county of Polk shall elect one Representative. The county of Pope shall elect one Representative. The county of Poinsett shall elect one Representative. The county of Pulaski shall elect four Representatives. The county of Prairie shall elect one Representative. The county of Randolph shall elect one Representative. The county of Saline shall elect one Representative. The county of Sarber shall elect one Representative. The county of Scott shall elect one Representative. The county of Searcy shall elect one Representative. The county of Sebastian shall elect two Representatives. The county of Sevier shall elect one Representative. The county of St. Francis shall elect one Representative. The county of Stone shall elect one Representative. The county of

Union shall elect two Representatives. The county of Van Buren shall elect one Representative. The county of Washington shall elect three Representatives. The county of White shall elect two Representatives. The county of Woodruff shall elect one Representative. The county of Yell shall elect one Representative. The county of Sharp shall elect one Representative.

SEC. 2. The Legislature shall, from time to time, divide the State into convenient Senatorial districts in such manner that the Senate shall be based upon the adult male inhabitants of the State; each Senator representing an equal number as nearly as practicable, and until the enumeration of the inhabitants is taken by the United States government A. D. 1880, the districts shall be arranged as follows:

Division of State into Senatorial districts. Ratio of representation in Senate.

PRESENT SENATORIAL DISTRICTS AND APPORTIONMENT OF SENATORS.

The counties of Greene, Craighead and Clayton shall compose the First district, and elect one Senator.

1st District.

The counties of Randolph, Lawrence and Sharp shall compose the Second district, and elect one Senator.

2nd District.

The counties of Carroll, Boone and Newton shall compose the Third district, and elect one Senator.

3rd District.

The counties of Johnson and Pope shall compose the Fourth district, and elect one Senator.

4th District.

The county of Washington shall compose the Fifth district, and elect one Senator.

5th District.

The counties of Independence and Stone shall compose the Sixth district, and elect one Senator.

6th District.

The counties of Woodruff, St. Francis Cross, and Crittenden shall compose the Seventh district, and elect one Senator.

7th District.

The counties of Yell and Sarber shall compose the Eighth district, and elect one Senator.

8th District.

The counties of Saline, Garland, Hot Spring and Grant shall compose the Ninth district, and elect one Senator.

9th District.

The counties of Pulaski and Perry shall compose the Tenth district, and elect two Senators.

10th District.

- 11th District. The county of Jefferson shall compose the Eleventh district, and elect one Senator.
- 12th District. The counties of Lonoke and Prairie shall compose the Twelfth district, and elect one Senator.
- 13th District. The counties of Arkansas and Monroe shall compose the Thirteenth district, and elect one Senator.
- 14th District. The counties of Phillips and Lee shall compose the Fourteenth district, and elect one Senator.
- 15th District. The counties of Desha and Chicot shall compose the Fifteenth district, and elect one Senator.
- 16th District. The counties of Lincoln, Dorsey and Dallas shall compose the Sixteenth district, and elect one Senator.
- 17th District. The counties of Drew and Ashley shall compose the Seventeenth district, and elect one Senator.
- 18th District. The counties of Bradley and Union shall compose the Eighteenth district, and elect one Senator.
- 19th District. The counties of Calhoun and Ouachita shall compose the Nineteenth district, and elect one Senator.
- 20th District. The counties of Hempstead and Nevada shall compose the Twentieth district, and elect one Senator.
- 21st District. The counties of Columbia and Lafayette shall compose the Twenty-first district, and elect one Senator.
- 22d District. The counties of Little River, Sevier, Howard and Polk shall compose the Twenty-second district, and elect one Senator.
- 23d District. The counties of Fulton, Izard, Marion and Baxter shall compose the Twenty-third district, and elect one Senator.
- 24th District. The counties of Benton and Madison shall compose the Twenty-fourth district, and elect one Senator.
- 25th District. The counties of Crawford and Franklin shall compose the Twenty-fifth district, and elect one Senator.
- 6th District. The counties of Van Buren, Conway and Searey shall compose the Twenty-sixth district, and elect one Senator.

The counties of White and Faulkner shall compose the 27th District. Twenty-seventh district, and elect one Senator.

The counties of Sebastian and Scott shall compose the 28th District. Twenty-eighth district, and elect one Senator.

The counties of Poinsett, Jackson and Mississippi, shall compose the 29th District. Twenty-ninth district, and elect one Senator.

The counties of Clark, Pike and Montgomery, shall compose the 30th District. Thirtieth district, and elect one Senator.

And the Senate shall never consist of less than thirty, nor more than thirty five members. Number of Senators.

SEC. 3. Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of a Senatorial district. Principles of formation of Senatorial districts.

SEC. 4. The division of the State into Senatorial districts, and the apportionment of Representatives to the several counties, shall be made by the General Assembly at the first regular session after each enumeration of the inhabitants of the State by the Federal or State government, shall have been ascertained and at no other time. Apportionments when to be made.

ARTICLE IX.

EXEMPTION.

SECTION 1. The personal property of any resident of this State, who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution or other process from any court issued for the collection of any debt by contract: Provided, That no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee. Exemption of personal property of persons other than heads of families from seizure for debt.

SEC. 2. The personal property of any resident of this state, who is married or the head of a family, in specific arti- Exemption of personal property of heads of families.

cles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution or other process from any court, on debt by contract.

Homestead exemption.

SEC. 3. The homestead of any resident of this state, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase money, or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity.

Extent of exemption of homestead outside of city, town, or village.

SEC. 4. The homestead outside any city, town or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon; to be selected by the owner: Provided, The same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

Extent of exemption of homestead situate in city, town, or village.

SEC. 5. The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner; provided, the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one quarter of an acre of land, without regard to value.

Homestead exemption for benefit of widow.

SEC. 6. If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life; Provided, That if the owner leaves children, one or more, said

Proviso — rights of children during minority.

child or children shall share with said widow, and be entitled to half the rents and profits till each of them arrives at twenty one years of age—each child's rights to cease at twenty-one years of age—and the shares to go to the younger children; and then all to go to the widow; and provided, that said widow or children may reside on the homestead or not. And in case of the death of the widow, all of said homestead shall be vested in the minor children of the testator or intestate.

SEC. 7. The real and personal property of any *femme covert* in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and remain her separate estate and property; and may be devised, bequeathed or conveyed by her the same as if she were a *femme sole*; and the same shall not be subject to the debts of her husband.

Separate property of married women.

SEC. 8. The General Assembly shall provide for the time and mode of scheduling the separate personal property of married women.

Scheduling of separate personal property of married women.

SEC. 9. The exemptions contained in the Constitution of 1868, shall apply to all debts contracted since the adoption thereof, and prior to the adoption of this Constitution.

Effect of exemptions of Constitution of 1868.

SEC. 10. The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

Homestead exemption for benefit of minor orphan children.

ARTICLE X.

AGRICULTURE, MINING, AND MANUFACTURE.

SECTION 1. The General Assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the State, and may create a bureau to be known as the Mining, Manufacturing and Agricultural Bureau.

Agricultural, mining, and manufacturing interests of State.

Mining, Manufacturing, and Agricultural Bureau.

State Geologist. SEC. 2. The General Assembly, when deemed expedient, may create the office of State Geologist, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law; Provided: That he shall be at all times subject to removal by the Governor, for incompetency or gross neglect of duty.

Exemption from taxation, of mines and manufactures. SEC. 3. The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this Constitution, the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

ARTICLE XI.

MILITIA.

Persons liable to military duty. SECTION 1. The Militia shall consist of all able-bodied male persons, residents of the State, between the ages of eighteen and forty-five years; except such as may be exempted by the laws of the United States, or this State; and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

Organization of militia. SEC. 2. Volunteer Companies of Infantry, Cavalry or Artillery may be formed in such manner and with such restrictions as may be provided by law.

Volunteer companies. SEC. 3. The Volunteer and Militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

Privilege of militia from arrest, at muster, etc. SEC. 4. The Governor shall, when the General Assembly is not in session, have power to call out the Volunteers or

Authority to call out volunteers and militia.

Militia, or both, to execute the laws, repel invasion, repress insurrection and preserve the public peace; in such manner as may be authorized by law.



ARTICLE XII.

MUNICIPAL AND PRIVATE CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Revocation of existing charters and grants, for non user.

SEC. 2. The General Assembly shall pass no special act conferring corporate powers, except for charitable, educational, penal or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the state.

Limitation of power of incorporation by special act.

SEC. 3. The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns; and restrict their power of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.

Incorporation of cities and towns.

SEC. 4. No municipal corporation shall be authorized to pass any laws contrary to the general laws, of the State; nor levy [levy] any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same; Provided: That to pay indebtedness existing at the time of the adoption of this Constitution, an additional tax of not more than five mills on the dollar, may be levied.

Limitation of legislative power of municipal corporations; And of their power of taxation.

Payment of existing indebtedness.

SEC. 5. No county city, town or other municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.

Municipal corporations not to become stockholders.

Or financially assist corporations, etc.

General incorporation laws.
Power of alteration and revocation.

SEC. 6. Corporations may be formed under general laws; which laws may, from time to time, be altered or repealed.

The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators.

State not to be interested in stock of corporations, etc.

SEC. 7. Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in the stock of any corporation or association.

Issue and increase of stock, etc., of private corporations.

SEC. 8. No private corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws, nor until the consent of the persons holding the larger amount, in value, of stock, shall be obtained at a meeting held after notice given for a period not less than sixty days, in pursuance of law.

Compensation for property, and right of way, taken for use of corporations.

SEC. 9. No property, nor right of way, shall be appropriated to the use of any corporation, until full compensation therefor shall be first made to the owner, in money; or first secured to him by a deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

Legislation authorizing issue of circulating paper, prohibited.

SEC. 10. No act of the General Assembly shall be passed authorizing the issue of bills, notes, or other paper which may circulate as money.

Foreign corporations.

SEC. 11. Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; Provided: That no such cor-

poration shall do any business in this State, except while it maintains therein one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations and liabilities as like corporations of this State: and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

SEC. 12. Except as herein otherwise provided, the State shall never assume, or pay the debt or liability of any county, town, city or other corporation whatever; or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defense. Nor shall the indebtedness of any corporation to the State, ever be released, or in any manner discharged save by payment into the public Treasury.

State not to assume liabilities of counties or corporations.

Exceptions.

Indebtedness of corporations to State.

ARTICLE XIII.

COUNTIES, COUNTY SEATS, AND COUNTY LINES.

SECTION 1. No county now established shall be reduced to an area of less than six hundred square miles nor to less than five thousand inhabitants; nor shall any new county be established with less than six hundred square miles and five thousand inhabitants: Provided, that this section shall not apply to the counties of Lafayette, Pope and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the counties of Pope and Johnson.

Minimum limits of counties, prescribed.

Exceptions.

SEC. 2. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a majority of the voters in such part proposed to be taken off.

Consent of voters of territory affected, requisite to change of county lines.

Changes of county-seat, SEC. 3. No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county

County-seats of new counties. of seat shall be fully designated: Provided, That, in formation of new counties, the county seat may be located temporarily by provisions of law.

Lines of new counties. SEC. 4. In the formation of new counties, no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette county.

Division of Sebastian County into two districts. SEC. 5. Sebastian county may have two districts, and two county seats, at which county, probate, and circuit courts shall be held as may be provided by law, each district paying its own expenses.

ARTICLE XIV.

EDUCATION.

Free school system. SECTION 1. Intelligence and virtue being the safeguards of liberty, and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free schools, whereby all persons in the state, between the ages of six and twenty one years, may receive gratuitous instruction.

Schools funds to be used exclusively for purposes for which set apart. SEC. 2. No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

State school-tax. SEC. 3. The General Assembly shall provide, by general laws, for the support of Common Schools by taxes, which shall never exceed in any one year two mills on the dollar on the taxable property of the State; and by an annual *per capita* tax of one dollar, to be assessed on every male inhabi-

Poll-tax for School Fund,

tant of this State over the age of twenty one years; ^{School district} Provided, The General Assembly may, by general law, authorize school districts to levy, by a vote of the qualified electors of such district, a tax not to exceed five mills on the dollar in any one year for school purposes; ^{tax.} Provided further, That no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.

SEC. 4. The supervision of public schools, and the execution of the laws regulating the same, shall be vested in and ^{Supervision of public schools, etc.} confided to, such officers as may be provided for by the General Assembly.

ARTICLE XV.

IMPEACHMENT AND ADDRESS.

SECTION 1. The Governor and all State officers, Judges of ^{Impeachments.} the Supreme and circuit courts, Chancellors and Prosecuting Attorneys, shall be liable to impeachment for high crimes and misdemeanors, and gross misconduct in office; but the ^{Judgment.} judgment shall go no further than removal from office and disqualification to hold any office of honor, trust or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.

SEC. 2. The House of Representatives shall have the sole ^{Power of impeachment.} power of impeachment. All impeachments shall be tried by ^{Trial.} the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside, unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

SEC. 3. The Governor, upon the joint address of two ^{Removal upon address.} thirds of the members elected to each House of the General Assembly, for good cause, may remove the Auditor, Treas-

urer, Secretary of State, Attorney General, Judges of the Supreme and circuit courts, Chancellors, and Prosecuting Attorneys.

ARTICLE XVI.

FINANCE AND TAXATION.

- Loan of public credit prohibited.** SEC. 1. Neither the State, nor any city, county, town or other municipality in this State shall ever loan its credit for any purpose whatever. Nor shall any county, City, Town, or municipality ever issue any interest bearing evidences of indebtedness; except such bonds as may be authorized by law to provide for, and secure the payment of, the present existing indebtedness. And the State shall never issue any interest bearing Treasury warrants or scrip.
- Issue of interest-bearing evidences of public indebtedness, except to pay present debt, prohibited.**
- Payment of State debt.** SEC. 2. The General Assembly shall, from time to time, provide for the payment of all just and legal debts of the State.
- Misappropriation of public moneys.** SEC. 3. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be punishable as may be provided by law, but part of such punishment shall be disqualification to hold office in this State for a period of five years.
- Salaries and fees.** SEC. 4. The General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law, shall be paid to any officer, employe, or other person, or at any rate other than par value; and the number and salaries of the clerks and employes of the different departments of the State shall be fixed by law.
- Clerks, etc., of departments of State.**
- Uniform rule of taxation.** SEC. 5. All property subject to taxation shall be taxed according to its value; that value to be ascertained in such manner as the General Assembly shall direct, making the

same equal and uniform throughout the state. No one species of property, from which a tax may be collected shall be taxed higher than another species of property of equal value; provided, the General Assembly shall have power, from time to time, to tax hawkers, pedlers, ferries, exhibitions and privileges, in such manner as may be deemed proper. Provided, further, that the following property shall be exempt from taxation: Public property used exclusively for public purposes; churches used as such; Cemeteries used exclusively as such; school buildings and apparatus; Libraries and grounds used exclusively for school purposes; and buildings and grounds and materials used exclusively for public charity

Taxation of privileges, etc.

Property exempt from taxation.

SEC. 6. All laws exempting property from taxation, other than as provided in this constitution shall be void.

Exemption by statutory enactment, void.

SEC. 7. The power to tax corporations and corporate property, shall not be surrendered or suspended, by any contract or grant to which the state may be a party.

Taxation of corporate property.

SEC. 8. The General Assembly shall not have power to levy State taxes for any one year to exceed, in the aggregate, one per. cent. of the assessed valuation of the property of the State for that year.

Maximum rate of State taxes.

SEC. 9. No county shall levy a tax to exceed one-half of one per. cent. for all purposes; but may levy an additional one-half of one per. cent. to pay indebtedness existing at the time of the ratification of this Constitution.

Maximum rate of county taxes.

SEC. 10. The taxes of counties, towns and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns and cities respectively.

County and municipal taxes, in what payable.

SEC. 11. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for one purpose shall be used for any other purpose.

Levy and specific appropriation of taxes.

Disbursements. SEC. 12. No money shall be paid out of the treasury until the same shall have been appropriated by law; and then only in accordance with said appropriation.

Right of citizen to sue in behalf of inhabitants of county or municipality. SEC. 13. Any citizen of any county, city or town may institute suit, in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

ARTICLE XVII.

RAILROADS, CANALS, AND TURNPIKES.

Railroads, etc., public highways, Transportation companies common carriers. Right to construct railroads. SEC. 1. All railroads, canals and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other road, and shall receive and transport, each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Intersection and connection of railroads.

Transportation companies to maintain office in State. SEC. 2. Every railroad, canal or turnpike corporation operated or partly operated in this State, shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation; in which shall be recorded the amount of capital stock subscribed or paid in and the amounts owned by them respectively, the transfers of said stock and the names and places of residence of the officers.

Transfers of stock. Books.

Equal right to transportation. SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, canals and turnpikes; and no undue or unreasonable discrimination shall be made in charges for,

or in facilities for transportation, of freight or passengers within the State, or coming from, or going to, any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction to any more distant station. But excursion and commutation tickets may be issued at special rates.

Regulation of charges.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad, canal, or corporation shall consolidate the stock, property or franchises of such corporation with or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines, shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Parallel or competing lines of transportation not to be consolidated, or controlled, by same parties.

SEC. 5. No president, director, officer, agent or employe of any railroad or canal company, shall be interested, directly or indirectly, in the furnishing of materials or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controled or worked by such company. Nor in any arrangement which shall afford more advantageous terms, or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

Prohibitions upon officers, etc. of transportation companies.

SEC. 6. No discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement,

Discrimination of charges between transportation companies and individuals, prohibited.

Preferences in furnishing cars or motive power, prohibited.

drawback or otherwise; and no railroad or canal company, or any lessee, manager or employe thereof shall make any preferences in furnishing cars or motive power.

General Assembly to prevent grant of free passes to officers of the State.

SEC. 7. The General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this State, Legislative, Execut(i)ve or Judicial.

Conditions of remission of forfeiture of charter, or legislation favorable to corporations.

SEC. 8. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter, subject to the provisions of this Constitution.

Eminent domain over property of corporations.

SEC. 9. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use—the same as the property of individuals.

Legislation to prevent abuses by transportation companies.

SEC. 10. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal and turnpike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures.

Moveable property of corporations, personal property:

SEC. 11. The rolling stock and all other moveable property belonging to any railroad company or corporation in this State shall be considered personal property and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

Not to be exempted from taxation.

Damages, by railroads, to persons and property.

SEC. 12. All railroads, which are now or may be hereafter built and operated either in whole or in part in this State, shall be responsible for all damages to persons and property,

under such regulations as may be prescribed by the General Assembly.

SEC. 13. The directors of every railroad corporation shall annually make a report under oath to the Auditor of public accounts, of all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the General Assembly shall pass laws enforcing by suitable penalties, the provisions of this section.

Annual report of
railroad compa-
nies to Auditor.

ARTICLE XVIII.

JUDICIAL CIRCUITS.

Until otherwise provided by the General Assembly, the Judicial Circuits shall be composed of the following counties:

FIRST—Phillips, Lee, St Francis, Prairie, Woodruff, White, and Monroe. SECOND—Mississippi, Crittenden, Cross, Poinsett, Craighead, Greene, Clayton and Randolph. JACKSON, Independence, Lawrence, Sharp, Fulton, IZARD, Stone and Baxter. FOURTH—Marion, Boone, Searcy, Newton, Madison, Carroll, Benton, and Washington. POPE, Johnson, Franklin, Crawford, Sebastian, Sarber, and Yell. SIXTH—Lonoke, Pulaski, Van Buren and Faulkner. SEVENTH—Grant, Hot Springs, Garland, Perry, Saline and Conway. EIGHTH—Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike and Clark. NINTH—Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita and Calhoun. TENTH—Chicot, Drew, Ashley, Bradley, Dorsey, and Dallas. ELEVENTH—Desha, Arkansas, Lincoln and Jefferson.

JUDICIAL CIR-
CUITS.

TERMS OF CIR-
CUIT COURTS.

Until otherwise provided by the General Assembly, the Circuit Courts shall be begun and held in the several counties as follows

FIRST CIRCUIT

1st Circuit.

White,—First Monday in February and August. Woodruff—Third Monday in February and August. Prairie—

Second Monday after the third Monday in February and August. Monroe—Sixth Monday after third Monday in February and August. St. Francis—Eight(h) Monday after the third Monday in February and August. Lee—Tenth Monday after the third Monday in February and August. Phillips—Twelfth Monday after the third Monday in February and August.

2d Circuit.

SECOND CIRCUIT

Mississippi—First Monday in March and September. Crittenden—Second Monday in March and September. Cross—Second Monday after the second Monday in March and September. Poinsett—Third Monday after the second Monday in March and September. Craighead—Fourth Monday after the second Monday in March and September. Greene—Sixth Monday after the second Monday in March and September. Clayton—Seventh Monday after the second Monday in March and September. Randolph—Ninth Monday after the second Monday in March and September.

3d Circuit.

THIRD CIRCUIT

Jackson—First Monday in March and September. Lawrence—Fourth Monday in March and September. Sharp—Second Monday after the fourth Monday in March and September. Fulton—Fourth Monday after the fourth Monday in March and September. Baxter—Sixth Monday after the fourth Monday in March and September. IZARD—Seventh Monday after the fourth Monday in March and September. Stone—Ninth Monday after the fourth Monday in March and September. Independence—Tenth Monday after the fourth Monday in March and September.

4th Circuit.

FOURTH CIRCUIT.

Marion—Second Monday in February and August. Boone—Third Monday in February and August. Searcy—Second Monday after the third Monday in February and August.

Newton—Third monday after the third monday in February and August. Carroll—Fourth monday after the third Monday in February and August. Madison—Fifth monday after the third monday in February and August. Benton—Sixth monday after the third monday in February and August. Washington—Eighth monday after the third monday in February and August.

FIFTH CIRCUIT.

5th Circuit.

Greenwood District, Sebastian county—Third monday in February and August. Fo[u]rt[h] Smith District, Sebastian county—First monday after the fourth monday in February and August. Crawford county—Fourth monday after the fourth monday in February and August. Franklin county—Sixth monday after the fourth monday in February and August. Sarber county—Eighth monday after the fourth monday in February and August. Yell county—Tenth monday after the fourth monday in February and August. Pope county—Twelfth monday after the fourth monday in February and August. Johnson county—Fourteenth monday after the fourth monday in February and August.

SIXTH CIRCUIT.

6th Circuit.

In the county of Pulaski on the first monday in February, and continue twelve weeks if the business of said court require it. In the county of Lonoke, on the first monday succeeding the Pulaski court, and continue two weeks if the business of said court require it. In the county of Faulkner on the first monday after the Lonoke court, and continue two weeks if the business of said court require it. In the county of Van Buren on the first monday after the Faulkner court, and continue two weeks if the business of said court require it.

FALL TERM, SIXTH CIRCUIT

Fall Term—6th Circuit.

In the county of Pulaski on the first monday in October, and continue seven weeks if the business of said court require

it. In the county of Lonoke on the first monday next after the Pulaski court and continue two weeks if the business of said court require it. In the county of Faulkner, on the first monday after the Lonoke Court, and continue one week if the business of said Court require it. In the county of Van Buren on the first monday after the Faulkner Court and continue one week if the business of said Court require it.

7th Circuit.

SEVENTH CIRCUIT.

Hot Springs—Second Monday in March and September. Grant—Third Monday in March and September. Saline—Fourth Monday in March and September. Conway—Second Monday after fourth Monday in March and September. Perry—Fourth Monday after the fourth Monday in March and September. Garland—Fifth Monday after the fourth Monday in March and September

8th Circuit.

EIGHTH CIRCUIT

Montgomery—First Monday in February and August. Scott—First Monday after the first Monday in February and August. Polk—Second Monday after the first Monday in February and August. Sevier—Third Monday after the first Monday in February and August. Little River—Fifth Monday after the first Monday in February and August. Howard—Seventh Monday after the first Monday in February and August. Pike—Eighth Monday after the first Monday in February and August. Clark—Ninth Monday after the first Monday in February and August.

9th Circuit.

NINTH CIRCUIT

Calhoun—First Monday in March and September. Union—Second Monday after the first Monday in March and September. Columbia—Fourth Monday after the first Monday in March and September. Lafayette—Sixth Monday after the first Monday in March and September. Hempstead—Eighth

Monday after the first Monday in March and September. Nevada—Eleventh Monday after the first Monday in March and September. Ouachita—Thirteenth Monday after the first Monday in March and September.

TENTH CIRCUIT

10th Circuit.

Dorsey—Third Monday in February and August. Dallas first Monday in March and September. Bradley—Second Monday in March and September. Ashley—Third Monday in March and September. Drew—Second Monday after the third Monday in March and September. Chicot—Fourth Monday after the third Monday in March and September.

ELEVENTH CIRCUIT.

11th. Circuit.

In the county of Desha on the first Monday in March and September. In the County of Arkansas on the fourth Monday in March and September. In the county of Lincoln on the third Monday after the fourth Monday in March and September. In the county of Jefferson on the sixth Monday after the fourth Monday in March and September.

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

SEC. 1. No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any Court. Disqualifications of atheists.

SEC. 2. No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in the State, for a period of ten years; and may be otherwise punished as the law may prescribe. Duelling.

SEC. 3. No person shall be elected to, or appointed to fill a vacancy in any office, who does not possess the qualifications of an elector. Electors, qualified only, for office.

Residence, etc.,
of officers,

SEC. 4. All civil officers for the State at large shall reside within the State, and all district, county and township officers within their respective districts, counties and townships, and shall keep their offices at such places therein as are now, or may hereafter be, required by law.

Officers to continue in office till qualification of successors.

SEC. 5. All officers shall continue in office; after the expiration of their official terms until their successors are elected and qualified.

Plurality of offices.

SEC. 6. No person shall hold, or perform the duties of more than one office in the same department of the government at the same time, except as expressly directed or permitted by this Constitution.

Forfeiture of residence.

SEC. 7. Absence on business of the State, or of the United States, or on a visit, or on necessary private business, shall not cause a forfeiture of residence once obtained.

Deductions from salaries of officers.

SEC. 8. It shall be the duty of the General Assembly to regulate by law in what cases, and what deductions from the salaries of public officers, shall be made for neglect of duty in their official capacity.

Creation of additional permanent State offices, prohibited.

SEC. 9. The General Assembly shall have no power to create any permanent State office, not expressly provided for by this Constitution.

Returns of election, to whom made.

SEC. 10. Returns for all elections, for officers who are to be commissioned by the Governor, and for members of the General Assembly, except as otherwise provided by this Constitution, shall be made to the Secretary of State.

Salaries of State officers.

SEC. 11. The Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of state lands, and Prosecuting Attorneys shall each receive a salary to be established by law, which shall not be increased or diminished during their respective terms, nor shall any of them, except the prosecuting attorneys, after the adoption of this Constitution, receive to his own use any fees, costs, perqui-

Fees pertaining to State offices.

sites of office, or other compensation; and all fees that may hereafter be payable by law for any service performed by any officer mentioned in this section, except Prosecuting Attorneys shall be paid in advance into the State Treasury. Provided that the salaries of the respective officers herein mentioned shall never exceed per annum:

Maximum salaries of State officers.

For Governor the sum of \$4,000.⁰⁰: For Secretary of State the sum of \$2,500.⁰⁰: For Treasurer the sum of \$3,000.⁰⁰: For Auditor the sum of \$3,000.⁰⁰: For Attorney-General the sum of \$2,500.⁰⁰: For Commissioner of State Lands the sum of \$2,500.⁰⁰: For Judges of the Supreme court each, the sum of \$4,000.⁰⁰: For Judges of the Circuit Courts and Chancellors, each the sum of \$3,000.⁰⁰: For Prosecuting Attorney the sum of \$400.⁰⁰/₁₀₀₀:

And provided further that the General Assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next General Assembly

Increase of salaries of members of General Assembly.

SEC. 12. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

Publication of receipts and expenditures of public money.

SEC. 13. All contracts for a greater rate of interest than ten per centum per annum shall be void, as to principal and interest, and the General Assembly shall prohibit the same by law; but when no rate of interest is agreed upon, the rate shall be six per centum per annum.

Usury.

Rate of interest.

SEC. 14. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

Lotteries prohibited.

SEC. 15. All stationery, printing, paper, fuel, for the use of the General Assembly and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General

Contracts for stationery, fuel, printing, furniture, etc., for State government.

Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Contracts for
public buildings,
bridges, etc.:

SEC. 16. All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor;

For care of pau-
pers,

or, for providing for the care and keeping of paupers, where there are no alms houses, shall be given to the lowest responsible bidder, under such regulations as may be provided by law.

Revision, publi-
cation, etc., of
laws.

SEC. 17. The laws of this State, civil and criminal, shall be revised, digested, arranged, published and promulgated at such times, and in such manner as the General Assembly may direct.

Security of min-
ers and travel-
lers.

SEC. 18. The General Assembly, by suitable enactments, shall require such appliances and means to be provided and used, as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining, and of persons traveling upon railroads, and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties

Education of deaf
and dumb, blind,
and insane.

SEC. 19. It shall be the duty of the General Assembly to provide, by law, for the support of institutions for the education of the deaf and dumb, and of the blind; and also for the treatment of the insane.

Oath of office.

SEC. 20. Senators and Representatives and all judicial and executive, state and county officers, and all other officers both civil and military, before entering on the duties of their respective offices shall take and subscribe to the following oath or affirmation: "I —— do solemnly swear (or affirm) that I will support the Constitution of the United States,

and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of — upon which I am now about to enter.”

SEC. 21. The sureties upon the official bonds of all State officers shall be residents of, and have sufficient property within, the State, not exempt from sale under execution, attachment or other process of any court, to make good their bonds, and the sureties upon the official bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds.

SEC. 22. Either branch of the General Assembly, at a regular session thereof, may propose amendments to this Constitution; and if the same be agreed to by a majority of all the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for Senators and Representatives, at which time the same shall be submitted to the electors of the State, for approval or rejection; and if a majority of the electors voting at such election adopt such amendments, the same shall become a part of this Constitution. But no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 23. No officer of this State, nor of any county, city or town, shall receive directly or indirectly for salary, fees and perquisites more than Five thousand dollars, nett, profits per annum in par funds, and any and all sums in excess of this amount shall be paid into the State County City or Town Treasury, as shall hereafter be directed by appropriate legislation.

Sureties upon official bonds.

Amendments to Constitution, how originated.

To be published:

And submitted to the people.

Not more than three to be proposed or submitted at same time.

Separate ratification of each.

Maximum of officers' salary and fees.

Disposition of excess received.

Contested elections not herein specifically provided for.

SEC. 24. The General Assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this Constitution.

Seal of the State.

SEC. 25. The present seal of the State shall be and remain the Seal of the State of Arkansas until otherwise provided by law and shall be kept and used as provided in this Constitution.

Officers eligible to executive and judicial office.

SEC. 26. Militia officers, officers of the Public Schools, and Notaries may be elected to fill any executive or Judicial office.

Assessments on real property, for local improvements, in towns and cities.

SEC. 27. Nothing in this Constitution shall be so construed as to prohibit the General Assembly from authorizing assessments on real property for local improvements, in towns and cities under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property holders owning property adjoining the locality to be affected. But such assessments shall be *ad-valorem* and uniform.

SCHEDULE.

Retention of existing laws.

SEC. 1. All laws now in force, which are not in conflict or inconsistent with this Constitution, shall continue in force

Effect of exemption laws in force at adoption of Constitution of 1868.

until amended or repealed by the General Assembly, and all laws exempting property from sale on execution or by decree of a court; which were in force at the time of the adoption of the Constitution of 1868, shall remain in force with regard

Distinction between sealed and unsealed instruments.

to contracts made before that time. Until otherwise provided by law, no distinction shall exist between sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the Constitution of 1868, Provided, that the statutes of limitation with regard to sealed and unsealed instruments in force at that time, continue to apply to all instruments afterwards executed, until altered or repealed.

SEC. 2. In civil actions, no witness shall be excluded because he is a party to the suit, or interested in the issue to be tried; Provided, That in actions by or against executors, administrators or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements of the testator, intestate or ward, unless called to testify thereto by the opposite party; Provided, further, that this section may be amended or repealed by the General Assembly.

Competency of witnesses.

SEC. 3. An election shall be held at the several election precincts of every county of the State, on Tuesday, the 13th day of October, 1874, for Governor, Secretary of State, Auditor, Treasurer, Attorney General, Commissioner of State Lands for two years, unless the office is sooner abolished by the General Assembly, Chancellor, and Clerk of the Separate Chancery Court of Pulaski County, Chief Justice and two Associate Justices of the Supreme Court, a Circuit Judge and Prosecuting Attorney for each Judicial Circuit provided for in this Constitution, Senators and Representatives to the General Assembly, all County and Township officers provided for in this Constitution; and also for the submission of this Constitution to the qualified electors of the State, for its adoption or rejection.

First general election for officers, and election for submission of Constitution to the people.

SEC. 4. The qualification of voters at the election to be held as provided in this schedule shall be the same as is now prescribed by law.

Qualifications of voters thereat.

SEC. 5. The State Board of Supervisors hereinafter mentioned shall give notice of said election immediately after the adoption of this Constitution by this Convention, by proclamation in at least two newspapers published at Little Rock, and such other newspapers as they may select. And each County Board of Supervisors shall give public notice, in their respective counties, of said election, immediately after their appointment.

Notice thereof.

Governor's proclamation enjoining good order at such election.

SEC. 6. The Governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election, and preventing any disturbance of the same.

State Board of Supervisors of Election.

SEC. 7. Augustus H. Garland, Gordon N. Peay and Dudley E. Jones are hereby constituted a State Board of Supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said Board

Vacancies therein.

by refusal to serve, death, removal, resignation or otherwise, or if any member should become incapacitated from performing said duties, the remaining members of the Board shall fill the vacancy by appointment. But if all the places on said Board become vacant at the same time, the said vacancies shall be filled by the President of this Convention.

County Boards of Supervisors of Election.

SEC. 8. Said State Board shall at once proceed to appoint a Board of Election Supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State Board. A majority of each Board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the

Vacancies therein.

County Boards shall be filled by the State Board.

Poll-books and ballot-boxes for the election.

SEC. 9. The State Board shall provide the form of poll-books, and each County Board shall furnish the judges of each election precinct with three copies of the poll-books in the form prescribed; and with ballot boxes, at the expense of the County.

Distribution, to officers of the election, of copies of the Constitution.

SEC. 10. The State Board of Supervisors shall cause to be furnished in pamphlet form a sufficient number of copies of this Constitution to supply each County Supervisor and Judge of election with a copy and shall forward the same to the County Election Boards for distribution.

SEC. 11. The Boards of County Election Supervisors shall at once proceed to appoint three judges of election for each election precinct in their respective counties and the judges shall appoint three election clerks for their respective precincts all of whom shall be good competent, men, and take an oath as prescribed above. Should the judges of any election precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons, in the manner provided by law to act in their place, who shall be sworn as above.

Judges of the election, and Election Clerks.

Case of absence of Judges of the election, from the polls.

SEC. 12. Said election shall be conducted in accordance with existing laws except as herein provided. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications, and the clerks of the election shall register their names on the poll, books if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the Constitution of this State, and then their votes shall be taken.

Conduct of the election.

Qualifications of voters, how decided.

Registration.

SEC. 13. Each elector shall have written or printed on his ticket "For Constitution" or "Against Constitution" and also the offices and the names of the candidates for the offices, for whom he desires to vote.

Style of ballot.

SEC. 14. The judges shall deposit the tickets in the ballot box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall be placed on the ballots by the judges when deposited.

Deposit of tickets.

Elector to vote only in township or ward of residence.

Numbering of tickets.

SEC. 15. All dram shops and drinking houses in this state, shall be closed during the day of said election, and the succeeding night; and any person selling or giving away intoxicating liquors during said day or night, shall be punished by fine not less than two hundred dollars, for each and every offence, or imprisoned not less than six months, or both.

Drinking houses to be closed, on day of the election.

Sale or gift of intoxicating liquor prohibited.

Hours of voting. SEC. 16. The polls shall be opened at eight o'clock in the forenoon, and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting, as soon as the polls are closed, unless prevented by violence or accident; and the results by them certified on the poll-books, and the ballots sealed up. They shall be returned to the County Board of Election Supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the Constitution, and the number cast against the Constitution, and also the number of votes cast for each candidate voted for, for any office, and shall forthwith forward to the State Board of Supervisors duly certified by them, one copy of the statement or abstracts of the votes so made out by them, retain one copy in their possession, and file one copy in the office of the county clerk, where they shall also deposit for safe-keeping the ballots sealed up, and one copy of the poll books, retaining possession of the other copies.

Counting of ballots.

Disposition of returns.

Copies of abstract of returns, ballots, and poll-books, where filed.

Ascertainment and publication of result of election on adoption of Constitution. SEC. 17. The State Board of Supervisors shall at once proceed, on receiving such returns from the County Board to ascertain therefrom and state the whole number of votes given for the Constitution, and the whole number given against it; and if a majority of all votes cast be in favor of the Constitution, they shall at once make public that fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this Constitution from that date shall be in force; and they shall also make out and file in the office of Secretary of State an abstract of all the votes cast for the Constitution, and all the votes cast against it; and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the Secretary of State, showing the candidates elected. They shall also make out and certify, and lay before each House of the General Assembly, a list of the members elected to that

Constitution, if adopted, in force from date of such publication.

Abstract of returns of the election, to be filed with Secretary of State.

List of members of General Assembly, elect, to be certified to General Assembly.

House; and shall also make out, certify and deliver to the Speaker of the House of Representatives, an abstract of all votes cast at the election for any and all persons for the office of Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands and the said Speaker shall cast up the votes, and announce the names of the persons elected to these offices. The Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

Abstract of returns of election for State officers, to be certified to Speaker of House of Representatives:

And the result by him announced.

State officers elected, when to enter upon their duties.

SEC. 18. All officers shown to be elected by the abstract of said election filed by the State Board of Supervisors in the office of the Secretary of State, required by this Constitution to be commissioned, shall be commissioned by the Governor.

All officers chosen at this election, to be commissioned by Governor.

SEC. 19. At said election the qualified voters of each county and Senatorial District as defined in article eight of this Constitution, shall elect respectively Representatives and Senators according to the numbers and apportionment contained in said article. The Board of Election Supervisors of each county shall furnish certificates of election to the person or persons elected to the House of Representatives as soon as practicable after the result of the election has been ascertained and such Board of Election Supervisors in each county shall make a correct return of the election for Senator or Senators to the Board of Election Supervisors of the county first named in the Senatorial apportionment, and said Board shall furnish certificates of election to the person or persons elected as Senator or Senators in said Senatorial District as soon as practicable.

First election of Representatives and Senators.

Their certificates of election.

SEC. 20. All officers elected under this Constitution, except the Governor, Secretary of State Auditor of State, Treasurer, Attorney General and Commissioner of State

Officers elected, other than State officers, when to enter upon their duties.

Lands shall enter upon the duties of their several offices when they shall have been declared duly elected by said State Board of Supervisors, and shall have duly qualified. All such officers shall qualify and enter upon the duties of their offices within fifteen days after they have been duly notified of their election.

Prior incumbents to vacate their offices.

SEC. 21. Upon the qualification of the officers elected at said election, the present incumbents of the offices for which the election is held shall vacate the same and turn over to the officers thus elected and qualified, all books, papers, records, moneys and documents belonging or pertaining to said offices by them respectively held.

Time of convening of first session of General Assembly.

SEC. 22. The first session of the General Assembly under this Constitution shall commence on the first Tuesday after the second monday in November 1874.

Transfer of jurisdiction from Boards of Supervisors to County Courts:
From Criminal Courts to Circuit Courts:

SEC. 23. The County Courts provided for in this Constitution shall be regarded in law, as a continuation of the Boards of Supervisors now existing by law, and the Circuit Courts shall be regarded in law as continuations of the Criminal Courts wherever the same may have existed in their respective counties; and the Probate Courts shall be regarded as continuations of the Circuit Courts for the business within the jurisdiction of such Probate Courts, and the papers and records pertaining to said Courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change made in this Constitution.

And of probate business to Probate Courts.

Present incumbents to continue in office till qualification of successors.

SEC. 24. All officers now in office whose offices are not abolished by this Convention, shall continue in office and discharge the duties imposed on them by law, until their successors are elected and qualified under this Constitution.

Commissioner of State Lands.

The office of Commissioner of State Lands shall be continued, provided that the General Assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.

SEC. 25. Any election officer appointed under the provisions of this schedule, who shall fraudulently and corruptly permit any person to vote illegally, or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the Penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace or promises from voting, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Penalty of fraud by officers of the election:

Or other persons.

SEC. 26. All officers elected at the election provided for in this Schedule shall hold their offices for the respective periods, provided for in the foregoing Constitution, and until their successors are elected and qualified. The first general elections after the ratification of this Constitution shall be held on the first Monday of September A. D. 1876. Nothing in this Constitution and the Schedule thereto, shall be so construed as to prevent the election of Congressmen at the time as now prescribed by law.

Tenure of office of officers chosen at the election.

Time of next general election.

Election of Congressmen.

SEC. 27. The sum of five thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the expenses of the election provided for in this Schedule, and the Auditor of State shall draw his warrant on the Treasurer for such expenses not exceeding said amount on the certificate of the State Board of Supervisors of election

Appropriation to defray expenses of the election.

SEC. 28. For the period of two years from the adoption of this Constitution, and until otherwise provided by law the respective officers herein enumerated shall receive for their services the following salaries per annum.

Present salaries of State officers.

For Governor the sum of \$3,500 ^{aa}; For Secretary of State the sum of \$2,000 ^{aa}; For Treasurer the sum of

\$2,500 ⁰⁰: For Auditor the sum of \$2,500 ⁰⁰: For Attorney General the sum of \$2,000 ⁰⁰: For Commissioner of State Lands the sum of \$2,000 ⁰⁰: For Judges of the Supreme Court, each the sum of \$3,500 ⁰⁰: For Judges of Circuit and Chancery Courts each the sum of \$2,500 ⁰⁰: For Prosecuting Attorneys each the sum of \$400 ⁰⁰: For Members of the General Assembly the sum of \$6. ⁰⁰ per day, and twenty cents per mile for each mile travelled in going to and returning from the seat of Government, over the most direct and practicable route.

Per diem and mileage of members of General Assembly.

Done in Convention, at Little Rock, the Seventh day of September in the year of our Lord One Thousand eight hundred and seventy four, and of the Independence of the United States the ninety-ninth.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

GRANDISON D. ROYSTON,

President of the Convention, and

Delegate from the County of Hempstead.

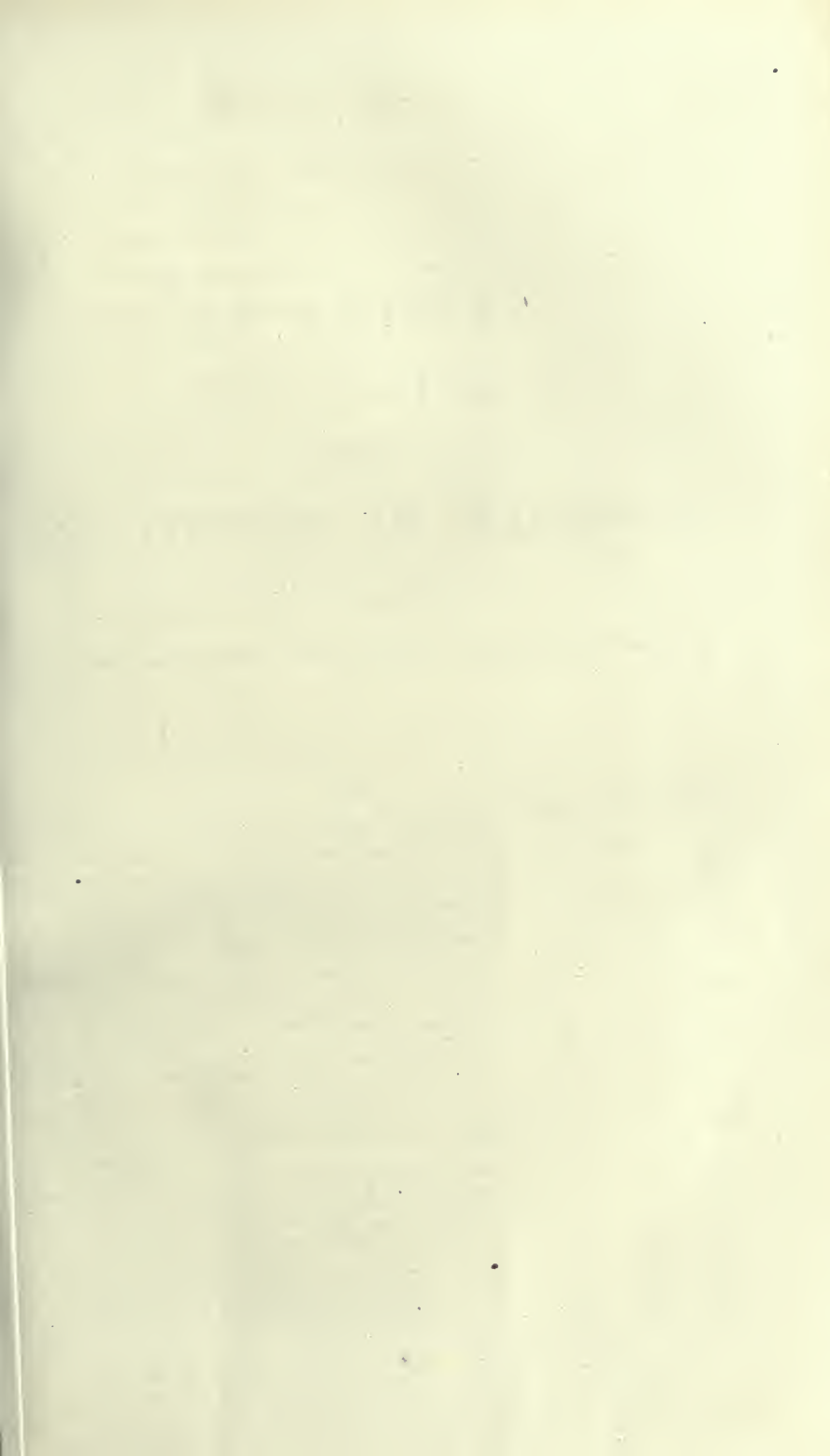
THOMAS W. NEWTON,

Secretary.

A. M. RODGERS, Delegate from Benton County.
 HORACE H. PATTERSON, Delegate from Benton County.
 W. W. BAILY, Delegate from Boone County.
 JNO. R. HAMPTON, Delegate from Bradley County.
 JOHN W. CYPERT, Delegate from Baxter County.
 BRADLEY BUNCH, Delegate from Carroll County.
 JESSE A. ROSS, Delegate from Clark County.
 H. F. THOMASON, “ “ Crawford “
 W. D. LEIPER, Delegate from Dallas County.
 WM. J. THOMPSON, Delegate from Woodruff County.
 JAMES A. GIBSON, Delegate from Arkansas County.
 HENRY W. CARTER, Delegate from Pike County.
 DANIEL F. REINHARDT, Delegate from Prairie County.

-
- ELIJAH MOSELEY, Delegate from Ouachita County.
STEPHEN C. BATES, Delegate from Polk County.
G. P. SMOOTE, Delegate from Columbia County.
D. L. KILLGORE, Delegate from Columbia County.
WILLIAM S. HANNA, Delegate from Conway County.
JOHN S. ANDERSON, Delegate from Craighead County.
J. G. FRIERSON, Delegate from Cross County.
E. FOSTER BROWN, Delegate from Clayton County.
JAS. P. STANLEY, Delegate from Drew County.
JOHN NIVEN, Delegate from Dorsey County.
WILLIAM W. MANSFIELD, Delegate from the County of Franklin.
JOHN DUNAWAY, Delegate from the County of Faulkner.
DAVIDSON D. CUNNINGHAM, Delegate from the County of Grant.
BEN. H. CROWLY, Delegate from the County of Greene.
H. M. RECTOR, Delegate from Garland County.
JNO. R. EAKIN, Delegate from Hempstead County.
W. C. KELLY, Delegate from Hot Spring County.
J. W. BUTLER, Delegate from Independence County.
JAMES RUTHERFORD, Delegate from Independence County.
RANSOM GULLEY, Delegate from Izard County.
FRANKLIN DOSWELL, Delegate from Jackson County.
JNO: A. WILLIAMS, Delegate from Jefferson County.
SETH J. HOWELL, Delegate from Johnson County.
PHILIP K. LESTER, Delegate from Lawrence County.
J. H. WILLIAMS, Delegate from Little River County.
J. P. EAGLE, Delegate from Lonoke County.
REASON G. PUNTNEY, Delegate from Lincoln County.
MONROE ANDERSON, Delegate from Lee County.
JOHN CARROLL, Delegate from Madison Co.
S. P. HUGHES, Delegate from Monroe County.
NICHOLAS W. CABLE, Delegate from Montgomery County.
CHARLES BOWEN, Delegate from Mississippi County.
R. K. GARLAND, Delegate from Nevada County.
HENRY G. BUNN, Delegate from Ouachita County.

- W. H. BLACKWELL, Delegate from Perry County.
JNO. J. HORNOR, Delegate from Phillips County.
JNO. R. HOMER SCOTT, Delegate from the County of Pope.
JOHN MILLER, JR., Delegate from the County of Randolph.
SIDNEY M. BARNES, Delegate from the County of Pulaski.
JABEZ M. SMITH, Delegate from Saline County.
BEN. B. CHISM, Delegate from the County of Sarber.
J. W. SORRELS, Delegate from Scott County.
W. S. LINDSEY, Delegate from Searcy County.
R. P. PULLIAM, Delegate from Sebastian County.
W. M. FISHBACK, Delegate from Sebastian County.
B. H. KINSWORTHY, Delegate from Sevier County.
LEWIS WILLIAMS, Delegate from Sharp County.
JOHN M. PARROTT, Delegate from Saint Francis County.
WALTER J. CAGLE, Delegate from Stone County.
HORATIO G. P. WILLIAMS, Delegate from Union County.
ROBT. GOODWIN, Delegate from Union County.
A. R. WITT, Delegate from Van Buren Co.
R. P. POLK, Delegate from Phillips County.
T. W. THOMASON, Delegate from Washington County.
BENJAMIN F. WALKER, Delegate from Washington County.
M. F. LAKE, Delegate from Washington Co.
JESSE N. CYPERT, Delegate from White County.
J. W. HOUSE, Delegate from White County.
JOSEPH T. HARRISON, Delegate from Yell County.
MARCUS L. HAWKINS, Delegate from Ashley County.
EDWIN R. LUCAS, Delegate from Fulton County.
BENJAMIN W. JOHNSON, Delegate from Calhoun County.
RODERICK JOYNER, Delegate from Poinsett County.



AN INDEX

(CHIEFLY ANALYTICAL)

TO THE

CONSTITUTION OF ARKANSAS.

[NOTE.—In the column headed "ART.," the letters Pr. and Sc., respectively, signify the Preamble, and the Schedule.]

A.

	ART.	SEC.	PAGE.
A BATEMENT of actions, not to take place because of change made in this Constitution.....	Sc	23	66
<i>Abolition</i> of government, Right of the people to.....	2	1	2
<i>Absence</i> of Governor from the State, Case of.....	6	12, 13	18
of President of the Senate from the State, during vacancy in office of Governor, Case of.....	6	13	18
on business of descriptions specified, to cause no forfeiture of residence.....	19	7	56
<i>Absent Members</i> of General Assembly, Attendance of, compellable by number less than quorum.....	5	11	11
<i>Account</i> of all public money to be rendered by collectors, holders, etc., before they shall become eligible to General Assembly, or office of trust or profit.....	5	8	11
<i>Accounts</i> of receipts and expenditures of public money, Publication of...	19	12	57
<i>Accusation</i> , Right of accused to be informed of.....	2	10	4
Right of accused to copy of.....	2	10	4
<i>Accused</i> , Rights of, in criminal prosecutions for libel.....	2	6	3
Rights of, in criminal prosecutions generally.....	2	8, 10	3, 4
<i>Acting Governor</i> —see <i>President of Senate</i> , and <i>Speaker of House of Representatives</i> .			
<i>Action</i> , Right of, for injuries to persons or property, or resulting in death..	5	32	15
<i>Actions</i> against the State prohibited.....	5	20	13
relating to sixteenth section lands, or to money due therefor.....	7	44	30
by citizens of counties, cities, or towns, for general protection of inhabitants, against enforcement of illegal exactions.....	16	13	48
civil, competency of witnesses in.....	Sc	2	61
by or against executors, administrators, or guardians, Rule respecting testimony of parties in.....	Sc	2	61
not to abate because of change made in this Constitution.....	Sc	23	66
<i>Acts</i> , Style of.....	5	19	13

	ART.	SEC.	PAGE.
Revival, amendment, and extension or conferment of provisions, of.....	5	23	14
local and special, Restrictions upon General Assembly, respecting passage of.....	5	24, 25, 26	14
But see, also, for full digest, "SPECIAL LEGISLATION."			
making appropriations, Requisites of.....	5	29	15
making general appropriations, Restriction on contents of.....	5	30	15
Separate, and embracing, each, but one subject, required, to make appropriations other than for ordinary expenses of legislative, executive, and judicial departments of State.....	5	30	15
upon their passage by both houses of General Assembly, to be presented to Governor for approval.....	6	15	19
disapproved by Governor, to be returned, with objections, to house in which originated.....	6	15	19
returned, disapproved, by Governor, Reconsideration of.....	6	15	19
returned, disapproved, by Governor, Passage of.....	6	15	19
not returned by Governor within five days (with exceptions stated) to become laws.....	6	15	19
making appropriations, Power of Governor to disapprove items of.....	6	17	20
making appropriations, Parts of, approved by Governor, to be law.....	6	17	20
making appropriations, Items of, disapproved by Governor, to be void unless repassed as prescribed in case of bill.....	6	17	20
Printing, binding, and distributing of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
See, also, <i>Bills</i> , and <i>Laws</i> , (the latter-named head especially.)			
<i>Address</i> , to the government, Right of.....	2	4	3
of General Assembly, for removal of State officers.....	15	3	45
<i>Adherence</i> to enemies of the State, to constitute treason.....	2	14	4
<i>Adjournment</i> of Senate and House of Representatives, from day to day, in absence of quorum.....	5	11	11
of either house of General Assembly, for more than three days, without consent of the other, prohibited.....	5	28	15
of either house of General Assembly, without consent of the other, to meet at place other than that in which the two houses shall be sitting, prohibited.....	5	28	15
of General Assembly, Effect of, upon bills in hands of Governor.....	6	15	19
Joint or concurrent resolutions of both houses of General Assembly upon questions of, do not require approval of Governor.....	6	16	20
Case of disagreement between the two houses of General Assembly respecting time of.....	6	20	21
<i>Administrators</i> , Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....	7	34	28
Homesteads subject to seizure, under judgments against, for moneys collected by.....	9	3	38
Competency of, as witnesses, in actions by or against.....	Sc	2	61
<i>Adoption</i> of children, No special law to be passed, authorizing.....	5	24	14
<i>Advantage</i> , Offer of, to influence action of public officer, or acceptance of, by officer, constitutes felony.....	5	35	16
<i>Affinity</i> on part of Judge or Justice of the Peace, to disqualify from presiding at trial.....	7	20	25
<i>Affirmation</i> —see <i>Oath</i> .			
<i>Age</i> of persons subject to militia duty.....	11	1	40
of persons entitled to gratuitous instruction in free schools.....	14	1	44
For age required as qualification to exercise right of suffrage, and hold offices, see under the proper headings in each case.			
<i>Agents</i> [of the State], Extra compensation to, after the service shall have been rendered, or contract made, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....	5	27	14
<i>Agriculture</i>	10	..	39
bureau of, General Assembly may create.....	10	1	39
<i>Agricultural interests</i> of the State, General Assembly to pass laws fostering and aiding.....	10	1	39
<i>Aid</i> to agricultural, mining, and manufacturing interests.....	10	1	39
<i>Aid and comfort</i> given to enemies of the State, to constitute treason.....	2	14	4

INDEX TO CONSTITUTION.

cvii

	ART.	SEC.	PAGE.
<i>Aldermen</i> may serve as officers of election.....	3	10	8
<i>Aliens</i> , resident. Distinctions of law between, and citizens, in matter of property, forever prohibited.....	2	20	5
<i>Alleys</i> , Vacating of, not to be effected by special law.....	5	24	14
<i>Allodial</i> , All lands in the State declared.....	2	28	7
<i>Allowances</i> for or against counties, cities, or towns, Appeal from.....	7	51	32
<i>Alms-houses</i> , Contracts for care and keeping of paupers, where there are no.....	19	16	58
<i>Alteration</i> of government, Right of the people to.....	2	1	2
of bills, on passage through either house, not to be such as to change their original purpose.....	5	21	13
<i>Amendment</i> of bills, on passage through either house, not to be such as to change their original purpose.....	5	21	13
of laws, not to be by reference to title only, but by re-enactment, and publication, at length, of portions amended.....	5	23	14
of charters, Conditions of.....	17	8	50
<i>Amendments</i> to Constitution.....	19	22	59
<i>Appeals</i> from judgment of Circuit Courts, in matters of equity.....	7	15	24
from judgments of County Courts and Courts of Common Pleas, when established.....	7	33	28
from Probate to Circuit Courts.....	7	35	28
from County Judge, in matter of orders for provisional writs issued in absence of Circuit Judge from county.....	7	37	29
from final judgment of Justices of the Peace, to Circuit Courts.....	7	42	30
from allowances made for and against counties, cities, or towns in contested elections for county, township, or municipal offices..	7	51	32
See <i>Appellate jurisdiction</i> (below.)	7	52	3 ²
<i>Appellate jurisdiction</i> of Supreme Court.....	7	4	22
of Circuit Courts.....	7	14	24
<i>Appointment</i> of officers, civil or military, by General Assembly or either house thereof.....	5	14	12
to fill vacancy in office of Treasurer, Secretary, or Auditor, of State, or Attorney General.....	6	22	21
Governor to issue, to fill vacancy in office, where no other mode for filling the same is provided by Constitution and laws.....	6	23	21
disqualifying holder for service as officer of election.....	3	10	8
of State Geologist.....	10	2	40
But see, more fully, under head of each office.			
<i>Apportionment</i>	8	.	32
of Representatives, to be made only at first regular session after each census, State or Federal.....	8	4	37
<i>Apprenticeship</i> of minors, County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
<i>Appropriation</i> of private property for public use.....	2	22	6
Specific, by law, requisite to drawing of money from treasury... (\$5,000) to defray expenses of election under Schedule.....	5	29	15
	Se	27	67
<i>Appropriations</i> , or payments of money, on any claim the subject matter of which shall not have been provided for by pre-existing laws, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....	5	27	14
to be specific, and their purpose to be distinctly stated in bill... Maximum amount of, in dollars and cents, to be specified in bill.....	5	29	15
not to be for a longer period than two years.....	5	29	15
General, to embrace nothing but appropriations for ordinary expenses of executive, legislative, and judicial departments of State.....	5	30	15
other than for ordinary expenses of legislative, executive, and judicial departments of State, to be made by separate bills, each embracing but one subject.....	5	30	15
of money, except by vote of majority of two-thirds of both houses of General Assembly, to be made only for certain specified purposes.....	5	31	15
Power of Governor to disapprove items of.....	6	17	20
Bills making, Parts of, approved by Governor, to be law.....	6	17	20
bills making, Items of, disapproved by Governor, to be void unless repassed as prescribed in case of bills.....	6	17	20
for expenses of the county, Justices of the Peace to sit with County Judge in making.....	7	30	27

	ART.	SEC.	PAGE.
Disbursements from treasury to be in accordance with.....	16	12	48
<i>Approval</i> , by Governor, of bills.....	6	15	19
of Governor required for joint and concurrent orders or resolutions, except on questions of adjournment.....	6	16	20
of State contracts.....	19	15	58
<i>Area</i> , Minimum, of counties.....	13	1	43
<i>Arkansas</i> , Boundaries of the State of.....	1	..	1
See, also, <i>State</i> ,			
<i>Armament</i> of the militia.....	11	1	40
<i>Arms</i> , Right of citizens to keep and bear, for their common defence.....	2	5	3
<i>Army</i> , <i>Standing</i> , not to be kept in time of peace.....	2	27	6
<i>Army of the U. S.</i> , Action of grand jury not requisite in case of offences arising in.....	2	8	3
Soldiers of, acquire no residence by reason of being stationed in the State.....	3	7	8
<i>Arrest</i> , Privilege of freedom from, of members of General Assembly.....	5	15	12
Privilege of volunteers and militia from, during attendance at musters, etc.....	11	3	40
<i>Artillery</i> , Volunteer companies of.....	11	2	40
<i>Assembly</i> , peaceable, Right of.....	2	4	3
<i>Assessment</i> of property, Assessors to receive no per centum upon.....	7	46	31
of value of property or right of way appropriated to use of corporations.....	12	9	42
of property, for purposes of taxation, Principles of.....	16	5	46
<i>Assessments</i> on real property, for local improvements in towns or cities.....	19	27	60
<i>Assessors</i> , Election of.....	7	46	31
Term of office of.....	7	46	31
Duties of.....	7	46	31
to receive no per centum upon valuation or assessment of property.....	7	46	31
See, also, <i>County Officers</i> .			
<i>Assistants</i> of collectors or holders of public money, Conditions of eligibility of, to General Assembly, or office of trust or profit.....	5	8	11
<i>Associate Justices</i> of Supreme Court—see <i>Court, Supreme, Judges of</i> .			
<i>Associations</i> , General laws not to be suspended, by legislature, for benefit of particular.....	5	25	14
Counties and municipal corporations prohibited, from obtaining or appropriating money for, or loan of credit to.....	12	5	41
<i>Atheists</i> disqualified from holding civil office, or testifying as witnesses.....	19	1	55
<i>Attachment</i> , Exemption from seizure on—see <i>Exemption</i> .			
<i>Attainder</i> , Bill of, prohibited.....	2	17	5
<i>Attestation</i> of grants and commissions, to be by Secretary of State.....	6	10	18
<i>Attorney General</i> an officer of Executive Department.....	6	1	16
Term of office of.....	6	1	16
to keep his office, in person, at seat of government.....	6	1	16
how chosen.....	6	3	16
Returns of election of.....	6	3	16
Case of tie in elections for.....	6	3	17
Contested elections for.....	6	4	17
ineligible to seat in either house of General Assembly.....	5	7	11
to hold no other office, or commission, civil or military, in this, or under any State, or the U. S., or any other power, at one and same time.....	6		21
Salary of, etc.....	19, Sc	11, 28	56, 67
Salary of, during two years from adoption of Constitution.....	Sc	28	67
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
Vacancy in office of.....	6	22	21
to perform such duties as may be prescribed by law.....	6	22	21
a member of Board of Canvassers of returns of election to fill vacancy in office of Governor.....	6	14	19
First election for.....	Sc	3	61
chosen at first election, Return and announcement of election of.....	Sc	17	64
chosen at first election, when to enter upon discharge of duties.....	Sc	17	65
<i>Attorneys</i> , Homesteads subject to seizure under judgments against, for moneys collected for them.....	9	3	38
<i>Attorneys, Prosecuting</i> —see <i>Prosecuting Attorneys</i> .			
<i>Auditor of State</i> an officer of Executive Department.....	6	1	16
Term of office of.....	6	1	16

	ART.	SEC.	PAGE.
to keep his office, in person, at seat of government.....	6	1	16
how chosen.....	6	3	16
Returns of election of.....	6	3	16
Case of tie in elections for.....	6	3	17
Contested elections for.....	6	4	17
ineligible to seat in either house of General Assembly.....	5	7	11
to hold no other office, or commission, civil or military, in this, or under any, State, or the U. S., or any other power, at one and same time.....	6	22	21
Salary of, etc.....	19, Sc	11, 28	56, 67
Salary of, during two years from adoption of Constitution.....	Sc	28	67
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
Vacancy in office of.....	6	22	21
to perform such duties as may be prescribed by law.....	6	22	21
Contracts for stationery, printing, paper, fuel, for use of General Assembly and other departments of government, printing, binding, distributing of laws, journals, and department reports, repairing and furnishing halls and rooms for use of General Assembly, to be subject to approval of.....	19	15	57
Publication of receipts and expenditures of public money.....	19	12	57
Duty of, in matter of appropriation to defray expenses of election under Schedule.....	Sc	27	67
First election for.....	Sc	3	61
chosen at first election, Return and announcement of election of.....	Sc	17	64
chosen at first election, when to enter upon discharge of duties.....	Sc	17	65
See, also, "Auditor of Public Accounts," (below.) See, also, for further duties of Auditor, and restrictions imposed upon his action, <i>Appropriations, Claims, Disbursements, Expenditures, Payment, etc.</i>			
"Auditor of Public Accounts," Railroad companies to make annual report to.....	17	13	51
Authentication of official acts of Governor.....	6	9	18

B.

<i>Bail</i> , Right to.....	2	8	4
in case of division of jury in criminal prosecution.....	2	8	3
Excessive, not to be required.....	2	9	4
<i>Ballot</i> , All elections by the people to be by.....	3	3	8
Secrecy of the.....	3	3	8
of qualified elector, being refused, not counted, or not returned, to be, nevertheless, counted upon trial of contest.....	3	11	9
<i>Ballots</i> to be numbered in order in which received.....	3	3	8
Numbers of, to be recorded by election officers, on list of voters, opposite name of electors presenting them.....	3	3	8
at election under Schedule, to be numbered.....	Sc	14	63
at election under Schedule, Counting, sealing, and further disposition of.....	Sc	16	64
<i>Ballot-Boxes</i> at election under Schedule.....	Sc	9	62
at election under Schedule, Disposition of, after election.....	Sc	16	64
<i>Banishment</i> , under any circumstances, prohibited.....	2	21	6
<i>Benefit of the people</i> one of the objects of the institution of government... ..	2	1	2
<i>Bids</i> on State contracts.....	19	15, 16	57, 58
<i>Biennial sessions</i> , Regular, of General Assembly, when and where to be held.....	5	5	10
Regular, of General Assembly, Duration of.....	5	17	12
<i>Biennial Elections</i> —see <i>Elections</i> .			
<i>Bill</i> , All laws to be passed by.....	5	21	13
<i>Bill of attainder</i> prohibited.....	2	17	5
<i>Bill of Rights</i>	2	..	2
See <i>Declaration of Rights</i> .			
<i>Bills</i> not to be so altered or amended, on their passage through either house, as to change their original purpose.....	5	21	13
to be read at length, on three different days, in each house, unless rules suspended by two-thirds of the house (when they may be read a second or third time on the same day).....	5	22	13

	ART.	SEC.	PAGE.
not to become law unless yeas and nays taken on final passage, names of persons voting for and against entered on journal, and majority of each house recorded as voting in favor of.....	5	22	13
local or special, Notice of intention to apply for, to be published in locality where matter or thing to be affected may be situated.....	5	26	14
local or special, Notice of intention to apply for, to be at least thirty days prior to introduction, into General Assembly, of such bill, and in manner to be provided by law.....	5	26	14
local or special, Proof of publication of notice of intention to apply for, to be exhibited in General Assembly, before passage of.....	5	26	14
allowing extra compensation to officers, agents, employes, or contractors [of the State], after the service shall have been rendered or contract made, require consent of two-thirds of the members elected to each branch of General Assembly.....	5	27	14
allowing claims, subject-matter of which shall not have been provided for by pre-existing laws, require consent of two-thirds of the members elected to each branch of General Assembly.....	5	27	14
making appropriations, Requisites of.....	5	29	15
making general appropriations, to embrace nothing but appropriations for the ordinary expense of the executive, legislative, and judicial departments of the State.....	5	30	15
Separate, and embracing each but one subject, required, to make appropriations other than for ordinary expenses of legislative, executive, and judicial departments of State.....	5	30	15
New, not to be introduced into either house of General Assembly during last three days of session.....	5	34	16
upon passage by both houses of General Assembly, to be presented to Governor for approval.....	6	15	19
disapproved by Governor, to be returned, with objections, to house in which originated.....	6	15	19
returned, disapproved, by Governor, Reconsideration of.....	6	15	19
returned, disapproved, by Governor, Passage of.....	6	15	19
not returned by Governor within five days (with exceptions stated) to become laws.....	6	15	19
making appropriations, Power of Governor to disapprove items of.....	6	17	20
making appropriations, Parts of, approved by Governor, to be law.....	6	17	20
making appropriations, Items of, disapproved by Governor, to be void unless repassed as prescribed in case of bill.....	6	17	20
See, also, <i>Acts</i> , and <i>Laws</i> .			
<i>Bills [of credit]</i> Acts authorizing issue of, to circulate as money, prohibited.....	12	10	42
<i>Binding</i> of laws and journals, department reports, and other binding, to be performed under contract to lowest responsible bidder, below maximum price, as shall be prescribed by law.....	19	15	57
<i>Blind</i> , General Assembly to provide for support of institutions for education of.....	19	19	58
<i>Blood</i> , corruption of, No conviction to work.....	2	17	5
<i>Board of Canvassers</i> of returns of election to fill vacancy in office of Governor.....	6	14	19
<i>Board, State, of Supervisors of Election under Schedule</i> —see <i>Election under Schedule, State Board of Supervisors of</i> .			
<i>Boards, County, of Supervisors of Election under Schedule</i> —see <i>Election under Schedule, County Boards of Supervisors of</i> .			
<i>Boards, Municipal, Members of</i> (aldermen not included), disqualified for service as officers of election.....	3	10	8
<i>Boards of Supervisors of Counties</i> —see <i>County Boards of Supervisors</i> .			
<i>Bond</i> to keep the peace, and for good behavior, Power of Justices of the Peace to require.....	7	40	30
in case of appeal, by citizen, from allowances for or against counties, cities, or towns.....	7	51	32
official, of State and county officers, Qualifications of sureties of..	19	21	59
<i>Bonds</i> of railroad or other corporations, held or owned by State, not to be released except by payment thereof into State treasury.....	5	33	15
of private corporations, Restriction upon issue and increase of..	12	8	42

	ART.	SEC.	PAGE.
Issue of, may be by law authorized, to provide for and secure payment of present existing indebtedness of counties and municipalities.....	16	1	46
<i>Books</i> of railroad, canal, and turnpike companies, to be kept for inspection by stockholders and creditors.....	17	2	48
of railroad, canal, and turnpike companies, what to contain.....	17	2	48
Official, to be turned over to officers chosen at first election.....	Sc	21	66
<i>Boundaries</i> of the State.....	1	..	1
of counties, Change of.....	13	1, 2, 4	43, 44
<i>Breach of the peace</i> , Case of, constitutes exception to electors' privilege of freedom from arrest.....	3	4	8
Case of, constitutes exception to Senators' and Representatives' privilege of freedom from arrest.....	5	15	12
case of, Privilege of volunteers and militia from arrest, at musters, etc., not to extend to.....	11	3	40
<i>Bribe</i> , Reception of, by officer, to be considered felony, and punished accordingly.....	5	35	16
<i>Bribery</i> in elections, to constitute felony, and disqualify for offices of trust or profit.....	3	6	8
Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
of public officer, to constitute felony, in both parties, and to be punished accordingly.....	5	35	16
at election under Schedule, Penalty of.....	Sc	25	67
<i>Bribes</i> , Power of each house of General Assembly to protect its members against offers of.....	5	12	11
<i>Bridges</i> , County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
Contracts for erection or repairs of.....	19	16	58
<i>Buildings</i> for schools, and used exclusively for public charity, exempt from taxation.....	16	5	47
<i>Buildings, Public</i> , Contracts for erection or repairs of.....	19	16	58
<i>Burdens of citizenship</i> , No exemption from, on account of race, etc.....	2	3	2
<i>Bureau</i> , Mining, Manufacturing, and Agricultural, General Assembly may create.....	10	1	39
<i>Business</i> , of specified descriptions, Absence on account of, to cause no forfeiture of residence.....	19	7	56

C.

<i>Called sessions</i> of General Assembly.....	6	19	20
<i>Canal Companies</i> to be common carriers.....	17	1	48
to maintain one office in the State, where transfers of stock shall be made.....	17	2	48
<i>Books</i> of, to be kept at office, for inspection of stockholders and creditors.....	17	2	48
<i>Books</i> of, to show amount, ownership, and transfers of stock, and names and places of residence of officers.....	17	2	48
Consolidation, lease, purchase, or control, of parallel or competing lines of, by their lessees, purchasers, or managers, prohibited.....	17	4	49
Officers of, not to act as officers of similar companies controlling parallel or competing lines.....	17	4	49
Officers of, prohibited from interest, direct or indirect, in supplies to such company, or in its business as common carrier.....	17	5	49
prohibited from making discrimination in charges, or in facilities for transportation, by abatement, drawback, or otherwise.....	17	6	49
or their lessees, managers, or employes, prohibited from making preferences in motive power.....	17	6	49
General Assembly to prevent, by law, grant of free passes by, to any officer of the State.....	17	7	50
Laws to be passed to correct abuses, and to prevent unjust discrimination, and excessive charges, by.....	17	10	50
See, also, <i>Corporations</i> .			
<i>Canals</i>	17	..	48
to be public highways.....	17	1	48
Equal right of all individuals, corporations, etc., to transportation of persons and property over.....	17	3	48

	ART.	SEC.	PAGE.
Undue or unreasonable discrimination in charges and facilities of transportation upon, prohibited.....	17	3	48
Question of parallelism or competing lines of, to be decided by a jury, as in other civil issues.....	17	4	49
<i>Canvassers, Board of</i> , of returns of election to fill vacancy in office of Governor.....	6	14	19
<i>Capital</i> invested in mining and manufacturing business in this State. Exemption of, from taxation.....	10	3	40
<i>Capital of the State</i> —see <i>Seat of government</i> .			
<i>Capital offences</i> —see <i>Offences, Capital</i> .			
<i>Capital stock</i> —see <i>Stock</i> .			
<i>Cavalry</i> , Volunteer companies of.....	11	2	40
<i>Cemeteries</i> , used exclusively as such, exempted from taxation.....	16	5	47
<i>Census</i> , by the State government.....	8	4	37
of the United States, A. D. 1880.....	8	1, 2, 4	33, 35, 37
<i>Certificate of election of Constables</i>	7	47	31
<i>Certiorari</i> , Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....	7	4	22
<i>Challenge to duel</i>	19	2	55
<i>Change of names</i> of persons, not to be effected by special law.....	5	24	14
<i>Change of venue</i> in criminal prosecutions.....	2	10	4
in criminal cases, not to be effected by local or special law.....	5	24	14
<i>Chancellor of Pulaski Chancery Court</i> —see <i>Courts</i> , under sub-head of <i>Pulaski Chancery Court, Judge of</i> .			
<i>Chancellors</i> —See <i>Courts of Chancery, Judges of</i> .			
<i>Chancery Court of Pulaski County</i> —see <i>Courts</i> , under sub-head of <i>Pulaski Chancery Court</i> .			
<i>Chancery Courts</i> —see <i>Courts of Chancery</i> .			
<i>Character</i> , Right to remedy for injuries or wrongs to.....	2	13	4
<i>Charge, criminal</i> . Persons how to be held to answer.....	2	8	3
<i>Charges to juries</i> , to declare the law without regard to matter of fact.....	7	23	26
to juries, to be reduced to writing at request of either party.....	7	23	26
<i>Charitable Corporations</i>	12	2	41
<i>Charity</i> , public, Buildings, grounds, and materials, used exclusively for, exempt from taxation.....	16	5	47
<i>Charters</i> under which bona fide organization be not made and business commenced in good faith, at adoption of Constitution, declared invalid.....	12	1	41
Power of General Assembly to alter, revoke, or annul.....	12	6	4
Conditions of remission of forfeiture, alteration, or amendment of.....	17	8	50
<i>Chief Justice</i> —see <i>Courts—Supreme, Chief Justice of</i> .			
<i>Chief Magistrate</i> , Supreme executive power to be vested in.....	6	2	16
to be styled "The Governor of the State of Arkansas".....	6	2	16
<i>Children</i> , adoption or legitimation of, No special law to be passed, authorizing.....	5	24	14
minor, Homestead exemption for benefit of.....	9	6, 10	38, 39
<i>Churches</i> , used as such, exempted from taxation.....	16	5	47
<i>Circuit Clerks</i>	7	19	25
Election of.....	7	19	25
Term of office of.....	7	19	25
to be (except in cases of counties with population exceeding fifteen thousand, where separate County Clerks are to be chosen) ex-officio clerks of County and Probate Courts and Recorders.....	7	19	25
To sign all writs and other judicial process of the courts of which they are clerks.....	7	49	31
<i>Circuit Courts</i> —see <i>Courts, Circuit, and Courts, Inferior</i> .			
<i>Circuits, Judicial</i>	18	..	51
State to be divided into.....	7	13	24
[For list of judicial circuits, showing of what counties the circuits respectively are to be composed, until otherwise provided by the General Assembly, see Table at close of the Index.]			
<i>Circulating medium</i> , Acts authorizing issue of, prohibited.....	12	10	42
<i>Cities, Municipal Corporation Courts of</i>	7	1	22
Power of Supreme Court to issue writs of quo-warranto to officers of.....	7	5	23
Corporation Courts of, Jurisdiction of.....	7	43	30
Appeals from allowances made for or against.....	7	51	32

	ART.	SEC.	PAGE.
<i>Cities</i> , General Assembly to provide, by general laws, for organization of.....	12	3	41
General Assembly to provide, by general laws, specific restrictions of powers of.....	12	3	41
Restrictions upon powers of taxation and assessment by.....	12	3, 4	41
Restrictions upon powers of borrowing money and contracting debts by.....	12	3, 5	41
forbidden to pass laws contrary to the general laws of the State.....	12	4	41
not to become stockholders in any corporation, etc.....	12	5	41
not to appropriate any money for, or loan credit to, any corporation, individual, etc.....	12	5	41
Assumption of liabilities of, by the State.....	12	5	41
never to loan credit for any purpose.....	16	1	46
to issue no interest-bearing evidences of indebtedness, except bonds authorized by law to provide for and secure payment of present existing indebtedness.....	16	1	46
Taxes of, in what funds payable.....	16	10	47
Orders or warrants of, receivable for corporation taxes.....	16	10	47
Right of citizens to institute suit for general protection of inhabitants, etc.....	16	13	48
Assessments on real property for local improvements in, may be authorized by General Assembly.....	19	27	60
See, also, <i>Corporations, Municipal.</i>			
<i>City Courts</i> —see <i>Courts, Corporation.</i>			
<i>City officers</i> , except aldermen, and including members of any municipal board, commission, or trust, disqualified for service as officers of election.....	3	10	8
Maximum of salary, fees, and perquisites of.....	19	23	59
to pay into city treasury all sums by them received, in excess of five thousand dollars net profit per annum.....	19	23	59
<i>City offices</i> , Appeals in cases of contested elections for.....	7	52	32
<i>Citizen</i> to be deprived of no right, privilege, or immunity, and exempted from no burden or duty, on account of race, color, or previous condition.....	2	3	2
<i>Citizens</i> , Right of, to keep and bear arms, for their common defence.....	2	5	3
Equality of privileges and immunities among all.....	2	18	5
Distinctions of law between, and resident aliens, in matter of property, forever prohibited.....	2	20	5
of counties, cities, and towns, Right of, to institute suit for general protection of inhabitants, etc.....	16	13	48
of counties, cities, or towns, Right of, to appeal from allowances made for or against the same.....	7	51	32
See, also, <i>People, and Rights.</i>			
<i>Civil actions</i> , Competency of witnesses in.....	Se	2	61
<i>Civil liberty</i> , Acknowledgment of, gratitude to God for.....	Pr	..	1
Perpetuation and security of, one of the objects of, the Constitution.....	Pr	..	1
<i>Civil office and officers</i> —see <i>Office, and Officers.</i>			
<i>Civil power</i> , The military at all times to be in strict subordination to.....	2	27	7
never to interfere to prevent free exercise of right of suffrage.....	3	2	7
<i>Civil process</i> —see <i>Process, Civil.</i>			
<i>Claims</i> , subject-matter of which shall not have been provided for by pre-existing laws, No money to be appropriated or paid on, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....	5	27	14
<i>Class legislation</i> prohibited.....	2	3, 18, 19 20, 24, 26	2, 5, 6
But see under <i>Special Legislation</i> , sub-head of "Provisions prohibiting class legislation."			
<i>Classification</i> of Senators, at first session, as respects term of office.....	5	3	10
<i>Clerk of Supreme Court</i>	7	7	23
Term of office.....	7	7	23
Subject to removal for good cause.....	7	7	23
But see, further, under <i>Courts—Supreme, Clerk of.</i>			
<i>Clerk of the Separate Chancery Court of Pulaski County</i> , First election for.....	Se	3	61
[See, also, however, under <i>Courts—Pulaski Chancery, Clerk of.</i>]			



	ART.	SEC.	PAGE.
<i>Clerks of courts of record, and of all inferior courts, ineligible to seat in either house of General Assembly.....</i>	5	7	11
of courts, to sign all writs and other judicial process.....	7	49	31
[For Clerk of each court, see under COURTS, and the sub-head of his particular court.]			
of departments of State. Number and salaries of, to be fixed by law.....	16	4	46
<i>Closed doors, Either house of General Assembly may sit with, when the business is such as ought to be kept secret.....</i>	5	13	12
Collection of debt—see Exemptions.			
<i>Collector of taxes, Sheriff to be, ex-officio.....</i>	7	46	31
<i>Collectors of public money, ineligible to General Assembly, or office of trust or profit, until account and payment of all sums for which liable.....</i>	5	8	11
<i>Color, No distinction in point of civil rights [or duties, on account of.....</i>	2	3	2
<i>Commander-in-Chief, Governor to be (with exception stated).....</i>	6	6	17
<i>Commission, Treasurer, Secretary and Auditor of State, and Attorney General, not to hold any other, State, U. S., or otherwise, at one and same time.....</i>	6	22	21
Governor to issue, to fill vacancy in office, where no other mode for filling the same is provided by Constitution and laws.....	6	23	21
<i>Commissions to be issued in the name and by authority of the State, sealed with the great seal of the State, signed by Governor, and attested by Secretary of State.....</i>	6	10	13
Officers provided for in Art. VII of the Constitution (except Constable), to receive, from Governor.....	7	48	31
of Justices of the Peace.....	7	38	29
of officers chosen at first election.....	Sc	18	65
<i>Commissions, Municipal, Members of, disqualified for service as officers of election.....</i>	3	10	8
<i>Commissioner of State Lands, General Assembly may provide, by law, for establishment of office of.....</i>	6	1	16
Office of, continued, subject to abolition, etc., at first session of General Assembly.....	Sc	24	66
Salary of, etc.....	7, 19, Sc	10, 11, 28	24, 57, 67
Salary of, during two years from adoption of Constitution.....	Sc	28	67
First election for.....	Sc.	3	61
chosen at first election, Return and announcement of election of.....	Sc	17	64
First elected, when to enter upon discharge of duties.....	Sc	17	65
<i>Committees of General Assembly, Contracts for repairing and furnishing rooms for use of, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....</i>	19	15	57
<i>Committees of the Whole, Sessions of, to be open, unless when business is such as ought to be kept secret.....</i>	5	13	12
<i>Common Carriers, Railroad and canal companies to be.....</i>	17	1	48
<i>Common defence, Right of citizens to keep and bear arms, for the.....</i>	2	5	3
<i>Common good, Right of peaceable assembly to consult for the.....</i>	2	4	3
<i>Common Law, felony at, Effect of, commission of, upon right of suffrage... Common Pleas—see Courts of Common Pleas.</i>	3	2	7
<i>Common-Schools—see Schools.</i>			
<i>Communication of free thoughts and opinions, Right to.....</i>	2	6	3
<i>Communications, by Governor, to General Assembly—see Messages.</i>			
<i>Commutation of sentence, Governor to have power, except in cases of treason and impeachment, to grant, after conviction.....</i>	6	18	20
Each case of, to be communicated, by Governor, to General Assembly, with his reasons therefor, and prescribed statement of particulars.....	6	18	20
<i>Commutation tickets upon railroads.....</i>	17	3	49
<i>Companies—see Corporations.</i>			
<i>Companies, Volunteer, of militia.....</i>	11	2	40
<i>Compensation of State officers.....</i>	19, Sc	11, 23	57, 67
of members of General Assembly.....	5, 19, Sc	16, 11, 23, 12,	57, 67
of officers of State and members of General Assembly, during two years from adoption of Constitution.....	Sc	28	67
of State officers not to be increased or diminished during their respective terms.....	19	11	56
of members of General Assembly, not to be increased during			

INDEX TO CONSTITUTION.

CXV

	ART.	SEC.	PAGE.
term for which they have been elected, under any law passed during such term.....	5, 19	16, 11	12, 57
of State, county, city, and town officers, not to exceed five thousand dollars net profit per annum in par funds.....	19	23	59
of Judges of Supreme Court.....	7	10	24
of Judges of Circuit Courts.....	7	18	25
of County Judges.....	7	37	28
of Judges of Probate Courts.....	7	37	28
of Judges of Courts of Common Pleas.....	7	37	28
of Assessors.....	7	46	31
of State Geologist.....	10	2	40
Extra, to any officer, agent, employe, or contractor [of the State], after the service has been rendered, or contract made, prohibited, unless allowed by bill, passed by two-thirds of the members elected to each branch of General Assembly.....	5	27	14
Compensation for private property taken or damaged for public use.....	2	22	6
and right of way taken for use of corporations.....	12	9	42
Competency of witnesses in civil actions.....	Se	2	61
See, also.....	19	1	55
Compulsory process for witnesses, Right of accused to.....	2	10	4
Concurrent orders—see Orders.			
Concurrent resolutions—see Resolutions, Concurrent.			
Concurrent vote of both houses of General Assembly, on appointment of officers, how taken and recorded.....	5	14	12
Condemnation of private property by corporations.....	12	9, 11	42, 43
Condition, previous, No distinction in point of civil rights or duties, on account of.....	2	3	2
Conferment of provisions of laws, not to be by reference to title only, but by re-enactment, and publication, at length, of provisions conferred.....	5	23	14
Confession in case of treason.....	2	14	5
Congress, Members of, ineligible to seat in either house of General Assembly.....	5	7	11
not to exercise office of Governor.....	6	11	18
to be elected at time prescribed by law at date of adoption of Constitution.....	Se	26	67
Consanguinity on part of Judge or Justice of the Peace, to disqualify from presiding at trial.....	7	20	25
Conscience, Right of.....	2	24	6
Consideration, to influence action of public officer, Person offering, and officer accepting, guilty of felony.....	5	35	16
Consolidation of parallel or competing lines of railroads or canals. prohibited.....	17	4	49
Constables, Election of.....	7	47	31
Term of office.....	7	47	31
to receive from presiding judge of County Court certificate of election.....	7	47	31
Official oath to be endorsed upon certificate of election of.....	7	47	31
Case of, constitutes exception to rule requiring officers to be commissioned by Governor.....	7	47, 48	31
See, also, Township officers.			
Constitution ordained and established by the people of the State of Arkansas, to perpetuate civil and religious liberty, and secure the same to themselves and their posterity.....	Pr	..	1
All laws contrary to the provisions of, to be void.....	2	29	7
Amendments to.....	19	22	59
State Board of Supervisors of Election under Schedule to furnish, and supply County Boards with, copies of, for distribution.....	Se	10	62
Abstract of votes cast for and against, to be filed with Secretary of State.....	Se	17	64
to be in force from date of publication, by State Board of Supervisors of Election, of its ratification by the people.....	Se	17	64
Election for submission of, to the people—see Election under Schedule.			
Constitution of 1868, Effect of exemptions created by, from seizure for debt.	9	9	39
Constitutional Convention—see Convention, Constitutional.			
Constitutional sanction, Right of property before, and higher than, any...	2	22	6

* This publication was made October 30th, 1874—see p. xxiii.

	ART.	SEC.	PAGE.
<i>Construction of Declaration of Rights</i>	2	29	7
<i>Consultation for the common good, Right of peaceable assembly for purposes of</i>	2	4	3
<i>Contempts in presence of either house of, General Assembly, Power to punish</i>	5	12	11-
<i>in presence of either house of General Assembly, Punishment for, not a bar to indictment for same offence</i>	5	12	12
<i>General Assembly to have power to regulate punishment of, in cases where not committed in presence or hearing of court or in disobedience to process</i>	7	26	27
<i>Contested elections—see Elections—Contested.</i>			
<i>Contractors [with the State] Extra compensation to, after the service shall have been rendered or contract made, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly</i>	5	27	14
<i>Contract, Jurisdiction of Justices of the Peace in matters of</i>	7	40	29
<i>Contracts, Laws impairing the obligation of, prohibited</i>	2	17	5
<i>with the State, not to be supplemented by additional compensation, unless by bill passed by two-thirds of members elected to each branch of General Assembly</i>	5	27	14
<i>between the State and corporations</i>	16	7	47
<i>in violation of constitutional prohibition to officers, etc., of railroad or canal companies, void</i>	17	5	49
<i>for greater rate of interest than ten per cent. per annum, void, and to be prohibited</i>	19	13	57
<i>for stationery, printing, paper, fuel, binding, distribution of laws, journals, and department reports, repairing and furnishing halls and rooms for use of General Assembly</i>	19	15	57
<i>for public buildings, or bridges, or for materials therefor, or for care of paupers, where there are no alms-houses, to be given to lowest responsible bidder, under regulations prescribed by law</i>	19	16	58
<i>between individuals, executed since adoption of Constitution of 1868, Rule of distinction between sealed and unsealed instruments concerning</i>	Se	1	60
<i>Convention, Constitutional, President of, to fill vacancies in State Board of Supervisors of Election under Schedule, in case of all places on said Board becoming vacant at same time</i>	Se	7	62
<i>Conviction of treason, Requisites to</i>	2	14	5
<i>not to work corruption of blood or forfeiture of estate</i>	2	17	5
<i>Lawful, of felony at common law, may forfeit or impair right of suffrage</i>	3	2	7
<i>of fraud, bribery, or other willful violation of an election law of the State, Penalties consequent upon</i>	3	6	8
<i>after adoption of Constitution, of embezzlement of public money, bribery, forgery, or other infamous crime, to disqualify for seat in General Assembly, or office of trust or profit</i>	5	9	11
<i>of Governor, on impeachment, Office how filled in case of</i>	6	12, 13, 14	18
<i>must precede a reprieve, commutation of sentence, or pardon</i>	6	18	20
<i>in trial of impeachments, Two-thirds vote of Senators requisite to</i>	15	2	45
<i>Copy of accusation, Right of accused to</i>	2	10	4
<i>Coroners, Election of</i>	7	46	31
<i>Term of office</i>	7	46	31
<i>Duties</i>	7	46	31
<i>ineligible to seat in either house of General Assembly</i>	5	7	11
<i>See, also, County officers.</i>			
<i>Corporation Courts—see Courts, Corporation.</i>			
<i>*Corporations, Municipal and Private</i>	12	..	41
<i>political and municipal, General Assembly may delegate taxing power, with necessary restriction, to, to extent of providing for their existence, maintenance, and well-being, but no further</i>	2	23	6
<i>municipal, Officers of, aldermen excepted, disqualified for service as officers of election</i>	3	10	8

* NOTE.—It was thought desirable to present at one view all the provisions of the Constitution upon the subject of corporations; but in attempting to draw the line of distinction between the different species of corporate bodies, it was found that in some instances the Constitution itself does not seem clearly to have done so. The references, therefore, in this place, are simply given in the order of the text.

INDEX TO CONSTITUTION.

cxvii

	ART.	SEC.	PAGE.
<i>Corporations</i> , General laws not to be suspended, by legislature, for benefit of particular	5	25	14
Obligations or liabilities of, held or owned by State, not to be exchanged, transferred, remitted, postponed, or diminished, by General Assembly, or released except by payment thereof into State treasury.....	5	33	15
political, Power of Supreme Court to issue writs of quo warranto to officers of.....	7	5	23
municipal, Appeals from allowanees made for and against.....	7	51	32
municipal, Right of appeal in contested elections for office of.....	7	52	32
Limitation, upon powers of General Assembly, as respects creation of, by special acts.....	12	2	41
for charitable purposes.....	12	2	41
for educational purposes.....	12	2	41
for penal purposes.....	12	2	41
for reformatory purposes.....	12	2	41
municipal, General Assembly to provide, by general laws, for organization of.....	12	3	41
municipal, General Assembly to provide, by general laws, specified restrictions of powers of.....	12	3	41
municipal, Restrictions upon powers of taxation and assessment by.....	12	3, 4	41
municipal, Restrictions upon powers of borrowing money and contracting debts by.....	12	3, 5	41
Municipal, forbidden to pass laws contrary to the general laws of the State.....	12	4	41
Municipal, not to become stockholders in any corporation, etc..	12	5	41
Counties and municipal corporations prohibited from appropriating money for, or loan of credit to.....	12	5	41
Municipal, not to appropriate any money for, or loan credit to, any corporation, individual, etc.....	12	5	41
municipal, Assumption of liabilities of, by the State.....	12	12	43
to be formed under general laws.....	12	6	42
General laws for formation of, may be altered or repealed.....	12	6	42
Power of General Assembly to alter, revoke, or annul charters..	12	6	42
State not (with exceptions set forth in Constitution) to be stockholder in, subscribe to, or be interested in the stock of.....	12	7	42
private, Restrictions upon issue and increase of stock or bonded indebtedness of.....	12	8	42
Compensation for property and right of way appropriated to use of.....	12	9	42
foreign, doing business in this State, Regulations concerning... Assumption of liabilities of, by the State.....	12	11	42
Indebtedness of, to the State, not to be released or discharged save by payment into the public treasury.....	12	12	43
Municipal, never to loan credit for any purpose.....	16	1	46
municipal, to issue no interest-bearing evidences of indebtedness, except bonds authorized by law to provide for and secure payment of present existing indebtedness.....	16	1	46
Power of State to tax, not surrendered or suspended by any contract or grant to which the State may be a party.....	16	7	47
municipal, Taxes of, in what funds payable.....	16	10	47
Orders or warrants of, receivable for corporation taxes.....	16	10	47
Right of citizens to institute suit for general protection of inhabitants, etc.....	16	13	48
Conditions of remission of forfeiture, alteration, or amendment of charter, or passage of any law for benefit of.....	17	8	50
State's right of eminent domain over property and franchise of.....	17	9	50
<i>Corporations</i> , Canal—see <i>Canal Companies</i> .			
<i>Corporations</i> , Railroad—see <i>Railroad Companies</i> .			
<i>Corporations</i> , Turnpike—see <i>Turnpike Companies</i> .			
<i>Corruption</i> , Ineligibility, to General Assembly, of member expelled for.. of public officer, to constitute felony, in both parties, and to be punished accordingly.....	5	12	12
	5	35	10
<i>Corruption of blood</i> , No conviction to work.....	2	17	5
<i>Costs</i> in case of appeal by citizen from allowances for or against counties, cities, or towns.....	7	51	32
State officers (Prosecuting Attorneys excepted) not to receive to their own use.....	19	11	56
<i>Counsel</i> , Right of accused to be heard by.....	2	10	4

	ART.	SEC.	PAGE.
<i>Counties, County Seats, and County Lines</i>	13	..	43
County Courts to have exclusive original jurisdiction in all cases necessary to internal improvement and local concerns of.	7	28	27
Appeals from allowances made for or against.....	7	51	32
Apportionment of Representatives to.....	8	1	32
Creation of new.....	13	..	43
new, Minimum limits of.....	13	1	43
new, Minimum number of inhabitants of.....	13	1	43
not to become stockholders in any corporation, etc.....	12	5	41
not to obtain or appropriate any money for, or loan credit to, any corporation, individual, etc.....	12	5	41
never to loan credit for any purpose.....	16	1	46
to issue no interest-bearing evidence of indebtedness, except bonds authorized by law to provide for and secure payment of present existing indebtedness.....	16	1	46
Taxes of, in what funds payable.....	16	10	47
Orders or warrants of, receivable for county taxes.....	16	10	47
Right of citizens to institute suit for general protection of inhabitants, etc.....	16	13	48
[For Table showing the apportionment of counties to Senatorial Districts and Judicial Circuits, respectively, as prescribed until U. S. Census of 1880, see at close of Index.]			
<i>County Boards of Supervisors, County Courts to be regarded as continuations of</i>	Sc	23	66
Papers and records of, to be transferred to County Courts.....	Sc	23	66
Actions in, not to abate because of change made in this Constitution.....	Sc	23	66
<i>County Boards of Supervisors of Election under Schedule—see Election under Schedule, County Boards of, Supervisors of.</i>			
<i>County Clerks, Circuit Clerks (except in cases specified—see next entry) to be, ex-officio</i>	7	19	25
Separate, to be chosen in counties with population exceeding fifteen thousand.....	7	19	25
Separate, to be, ex-officio, Clerks of Probate Courts.....	7	19	25
Ballots, and copies of abstracts of votes and poll-books, of election under Schedule, to be filed with.....	Sc	16	64
See, also, <i>Courts, County, Clerks of, and Courts, Probate, Clerks of.</i>			
<i>County Courts—see Courts, County.</i>			
<i>County expenses, Justices of the Peace to sit with County Judge in making appropriations for</i>	7	30	27
<i>County Judges—see Courts, County, Judges of.</i>			
<i>County Lines</i>	13	1, 2, 4	43, 44
Change of.....	13	1, 2, 4	43, 44
between Pope and Johnson Counties, an exception to general restriction of Art. XIII, Sec. 1.....	13	1	43
<i>County officers, their election, term of office, and respective duties</i>	7	46	31
Oath of office of.....	19	20	58
Qualifications of sureties upon official bonds of.....	19	21	59
to reside within their respective counties.....	19	4	56
Place of office of, to be such as may be designated by law.....	19	4	56
Maximum of salary, fees, and perquisites of.....	19	23	59
to pay into county treasury all sums by them received in excess of five thousand dollars net profit per annum.....	19	23	59
Justices of the Peace (not included) disqualified for service as officers of election.....	3	10	8
Appointment of, by Governor, to fill vacancies occurring within six months before next general election.....	7	50	31
Special elections for, in case of vacancy.....	7	50	31
First election for.....	So	3	61
See, also, <i>Sheriff, Assessor, Coroner, County Clerk, County Surveyor, and County Treasurer.</i>			
<i>County offices, Appeals in cases of contested elections for</i>	7	52	32
<i>County, Quorum of the—see Quorum of the County.</i>			
<i>County seats</i>	13	3, 5	44
Lines of new counties (with exceptions stated) not to run within ten miles of.....	13	4	44
of new counties, Temporary location of.....	13	3	44
Sebastian county may have two.....	13	5	44

	ART.	SEC.	PAGE.
<i>County Surveyor</i> , Election of.....	7	4 ⁵	31
Term of office.....	7	46	31
Duties.....	7	46	31
See, also, <i>County officers</i> .			
<i>County Supervisors</i> —see <i>County Boards of Supervisors</i> .			
<i>County taxes</i> , County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
Justices of the Peace to sit with County Judge in levying.....	7	30	27
not to exceed one-half of one per cent., except an additional one-half of one per cent. to pay present existing indebtedness...	16	9	47
in what funds payable.....	16	10	47
<i>County Treasurer</i> , Election, term of office, and duties of.....	7	46	31
to be, ex-officio, treasurer of the common-school fund of the county.....	7	46	31
to receive from county officers all sums by them received in excess of \$5,000 net profit per annum.....	19	23	59
See, also, <i>County officers</i> .			
<i>County warrants</i> or orders, receivable for county taxes.....	16	10	47
<i>Court</i> , Discretion of, in case of division of jury in criminal prosecution...	2	8	3
*COURTS:			
State of Arkansas never to be made defendant in any of her..... having jurisdiction to grant particular powers, privileges, or relief, no special law to be passed for those purposes.....	5	20	13
	5	25	14
<i>Court of Impeachment</i> —see <i>Impeachment</i> .			
<i>Court</i> , <i>Supreme</i>	7	1	22
how constituted.....	7	2	22
quorum of, Two Judges to constitute.....	7	2	22
Concurrence of two Judges of, necessary to decisions of.....	7	2	22
Increase of number of Judges of.....	7	3	22
Original jurisdiction of.....	7	4, 5	22, 23
Appellate jurisdiction of.....	7	4	22
Power of, in aid of appellate and supervisory jurisdiction, to issue writs.....	7	4	22
Power of, in exercise of original jurisdiction, to issue writs of quo warranto.....	7	5	23
Superintending control of, over inferior courts of law and equity.....	7	4	22
Terms of.....	7	8	23
Special Judges of.....	7	9	23
Appeal to, from Circuit Courts, in matters of equity.....	7	15	24
<i>Court</i> , <i>Supreme</i> , <i>Chief Justice</i> of, to be elected as such.....	7	2	22
to preside in trial of impeachments.....	15	2	45
how removable upon address.....	15	3	45
First election for.....	Se	3	61
<i>Court</i> , <i>Supreme</i> , <i>Judges</i> of [including, in the provisions here and below referred to, the Chief Justice], Number of.....	7	2, 3	22
Increase of number of.....	7	3	22
Division, by lot, of, at the first meeting of the Court, to decide term of office.....	7	6	23
Election of.....	7	6	23
Qualifications of.....	7	6	23
ineligible to seat in either house of General Assembly.....	5	7	11
Salaries of, etc.....	7, 19, Se	10, 11, 28	24, 57, 67
Salaries of, during two years from adoption of Constitution....	Se	28	67
Compensation of, after first session of General Assembly, not to be diminished during the time for which they shall have been elected.....	7	10	24
not to be allowed any fees or perquisites of office, or to hold other offices of trust or profit.....	7	10	24
prohibited, during continuance in office, from practising law or appearing as counsel, within the State.....	7	25	26
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
to be conservators of the peace throughout the State.....	7	4	22

* NOTE.—The professional reader will observe that here, as in some similar instances, little attempt has been made toward an analysis of the text; and this for the reason set forth in the preface, that the work has been designed solely with a view to practical convenience. On topics in which the class most interested are certain to turn, for their better satisfaction, to the text itself, it is believed that simple reference to article, section, and page, will in many cases prove most serviceable.

	ART.	SEC.	PAGE.
<i>Court, Supreme, Judges of, to have power to issue remedial writs.....</i>	7	4	22
Case of disqualification of, from presiding at trial.....	7	9	23
Special Judges.....	7	9	23
See, also, <i>Judges.</i>			
<i>Court, Supreme, Clerk of.....</i>	7	7	23
Term of office of.....	7	7	23
removable for good cause.....	7	7	23
to sign all writs and other judicial process of the court.....	7	49	31
<i>Court, Supreme, Reporter of.....</i>	7	7	23
Term of office.....	7	7	23
removable for good cause.....	7	7	23
<i>Courts, Circuit.....</i>	7	1	22
Division of State with respect to.....	7	13	24
Judicial Circuits.....	18	..	51
[For Table showing the apportionment of counties to Judicial Circuits, as prescribed until otherwise provided by General Assembly, see at close of the Index.]			
to hold their terms in each county.....	7	12	24
Terms of (until otherwise provided by General Assembly).....	18	..	54
Special Judges of.....	7	21	25
Original jurisdiction of.....	7	11, 15	24
Equity jurisdiction of.....	7	15	24
Superintending control and appellate jurisdiction of.....	7	14	24
Jurisdiction of separate Criminal Courts transferred to.....	7	45	31
to be regarded as continuations of Criminal Courts.....	Sc	23	66
Records, books, and papers, of Criminal Courts, to be transferred to.....	7, Sc	45, 23	31, 66
Jurisdiction of, in matter of removal of county and township of- ficers.....	7	27	27
Power of, to issue writs.....	7	14	24
Probate Courts to be regarded as continuations of, for transac- tion of probate business.....	Sc	23	66
Papers and records of probate business in, to be transferred to Probate Courts.....	Sc	23	66
Actions in, not to abate because of change made in this Consti- tution.....	Sc	23	66
Sebastian county, on conditions specified, may have two.....	13	5	43
Appeals to, from judgments of County Courts and Courts of Common Pleas.....	7	33	28
Appeals to, from Probate Courts.....	7	35	28
Appeals to, from final judgments of Justices of the Peace.....	7	42	30
Appeals to, from allowances made for or against counties, cities, or towns.....	7	51	32
Appeals to, in contested elections for county, township, or mu- nicipal offices.....	7	52	32
Appeals from, to Supreme Court, in matters of equity.....	7	15	24
See, also, <i>Courts, Inferior.</i>			
<i>Courts, Circuit, Judges of, Election of.....</i>	7	13, 17	24, 25
Term of office.....	7	17	25
Qualifications.....	7-	16	25
prohibited, during continuance in office, from practising law or appearing as counsel, within this State.....	7	25	26
ineligible to seat in either house of the General Assembly.....	5	7	11
not to be allowed any fees or perquisites of office, or to hold other office of trust or profit.....	7	13	25
Compensation of, not, after adjournment of first General Assem- bly, to be diminished during the time for which they were elected.....	7	18	25
Salary of, etc.....	7, 19, Sc.	10, 11, 23	24, 57, 67
Salary of, during two years from adoption of Constitution.....	Sc	23	67
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
First election for.....	Sc	3	61
to be conservators of the peace within the circuit for which elected.....	7	13	24
Power of, to issue writs in vacation.....	7	14	24
Exchange of circuits by.....	7	22	25
Special Judges.....	7	21	25
Powers of County Judges in absence of, from the county.....	7	37	23
Power of Supreme court to issue writs of quo-warranto to.....	7	5	23
See, also, <i>Judges.</i>			

INDEX TO CONSTITUTION.

CXXI

	ART.	SEC.	PAGE.
<i>Courts, Circuit, Clerks of, Election of</i>	7	19	25
Term of office.....	7	19	25
to be, ex-officio (except in cases of counties with population ex- ceeding fifteen thousand, where separate County Clerks are to be chosen) Clerks of Probate Courts, and Recorders.....	7	19	25
to sign all writs and other judicial process of the court.....	7	49	31
<i>Courts of Chancery: Provisional continuance of Pula-ski Chancery Court</i>	7	44	30
See <i>Court, Pulaski Chancery</i> , below.			
General Assembly may establish separate, when deemed ex- pedient.....	7	1	22
Jurisdiction in matters of equity, until establishment of.....	7	15	24
See, also, <i>Courts, Inferior</i> .			
<i>Courts of Chancery, Judges of, prohibited, during continuance in office, from practising law or appearing as counsel within this State ineligible to seat in either house of General Assembly</i>	7	25	26
Salary of.....	5	7	11
Salary during two years from adoption of Constitution.....	19, Sc	11, 28	57, 67
liable to impeachment.....	Sc	28	67
how removable upon address.....	15	1	45
Power of Supreme Court to issue writs of quo warranto to....	15	3	45
See, also, <i>Court, Pulaski Chancery, Judge of</i> , below, and <i>Judges</i> .	7	5	23
<i>Courts of Chancery, Clerks of, to sign all writs and other judicial process of the court</i>	7	49	31
<i>Court, Pulaski Chancery, to continue in existence until abolished by law, or the business pending at adoption of Constitution dis- posed of, or the pending business transferred to other courts...</i>	7	44	30
Transfer from, of proceedings relating to sixteenth section lands, or to money due therefor.....	7	44	30
See, also, <i>Courts, Inferior</i> .			
<i>Court, Pulaski Chancery, Judge of, Term of office of</i>	7	44	30
Election of.....	7	44	30
First election for.....	Sc	3	61
But see, further, <i>Courts of Chancery, Judges of</i> , above.			
See, also, <i>Judges</i> .			
<i>Court, Pulaski Chancery, Clerk of, Election of</i>	7	44	30
Term of office.....	7	44	30
First election for.....	Sc	3	61
to sign all writs and other judicial process of the court.....	7	49	31
<i>Courts, County</i>	7	1	22
Terms of.....	7	31	28
*to be held by one Judge, except in cases otherwise provided [i. e., in case of full session of the Justices, to levy county taxes and make appropriations for county expenses; for which, see <i>Quorum of the County</i>].....	7	28	27
to be regarded as continuation of Boards of Supervisors.....	Sc	23	66
Papers and records of Boards of Supervisors to be transferred to..	Sc	23	66
Original jurisdiction of.....	7	28	27
Appeals from, to Circuit Courts.....	7	33	28
Superintending control and appellate jurisdiction of Circuit Courts over.....	7	14	24
Special judges of.....	7	36	28
Sebastian county, on conditions specified, may have two.....	13	5	44
* <i>Courts, County, in full session of the Justices, to levy county taxes, and make appropriations for county expenses—see Quorum of the County.</i>			
See, also, <i>Courts, Inferior</i> .			
<i>Courts, County, Judges of, Election of</i>	7	29	27
Terms of office of.....	7	29	27
Qualifications of.....	7	29	27

*NOTE. The substitution, for County Boards of Supervisors, of a County Court, consisting of a single Judge, has given rise to a confusion of terms. The county courts proper, in this State, formerly consisted, for all purposes, of the entire body of Justices of the Peace of the county; but the sole power delegated, by the present Constitution, to this body of magistracy, is that of levying county taxes and making appropriations for the expenses of the county; and the use of the term "County Court," as applied to it, is certainly inconvenient in practice. The old term of "Quorum of the County," is suggested as sufficiently applicable to the session of the whole body of Justices; and its use would obviate the present ambiguity of expression.

	ART.	SEC.	PAGE.
<i>Courts, County, Judges of, Compensation of</i>	7	37	28
to sit alone, except in cases otherwise provided.....	7	23	27
Powers of, in absence of Circuit Judge from the county.....	7	37	23
to be Judges of Court of Probate, etc.....	7	34	28
General Assembly may authorize, to hold quarterly Court of Common Pleas.....	7	32	25
Special Judges.....	7	36	22
See, also, <i>Judges</i> .			
<i>Courts, County, Clerks of, Clerks of Circuit Courts (except in cases speci- fied—see next entry) to be</i>	7	19	25
Separate County Clerks to be chosen, in counties with popula- tion exceeding fifteen thousand.....	7	19	25
to sign all writs and other judicial process of the Court.....	7	49	31
<i>Courts, Probate</i>	7	1	22
Terms of.....	7	34	28
Original jurisdiction of.....	7	34	28
Superintending control and appellate jurisdiction of Circuit Courts over.....	7	14	24
Appeals from, to Circuit Courts.....	7	35	28
to be regarded as continuations of Circuit Courts, for probate business.....	Se	23	66
Papers and records of probate business of Circuit Courts to be transferred to.....	Se	23	66
Special judges of.....	7	36	28
Sebastian county, on conditions specified, may have two.....	13	5	44
See, also, <i>Courts, Inferior</i> .			
<i>Courts of Probate, Judges of, Judges of County Courts to be</i>	7	34	28
Compensation of.....	7	37	28
Special judges.....	7	36	28
See, also, <i>Judges</i> .			
<i>Courts Probate, Clerks of, Clerks of Circuit Courts (except in cases speci- fied—see next entry) to be</i>	7	19	25
Separate County Clerk, in counties where elected, to be, ex- officio.....	7	19	25
to sign all writs and other judicial process of the court.....	7	49	31
<i>Courts of Common Pleas, General Assembly may authorize Judge of County Court to hold</i>	7	32	28
to be courts of record.....	7	32	28
Jurisdiction of.....	7	1, 32	22, 28
Superintending control and appellate jurisdiction of Circuit Courts over.....	7	14	24
Appeals from, to Circuit Courts.....	7	33	28
See, also, <i>Courts, Inferior</i> .			
<i>Courts of Common Pleas, Judges of, Compensation of</i>	7	37	28
See, also, <i>Judges</i> .			
<i>Courts of Common Pleas, Clerks of, to sign all writs and other judicial process of the court</i>	7	49	31
<i>Courts, Justices'</i> —see <i>Justices of the Peace</i> .			
<i>Courts, Examining, Jurisdiction of Justices of the Peace as</i>	7	40	29
<i>Courts, Corporation, Jurisdiction of</i>	7	1, 43	22, 30
General Assembly may dispense with indictment in offence cog- nizable by.....	7	43	30
Superintending control and appellate jurisdiction of Circuit Courts over.....	7	14	24
See, also, <i>Courts, Inferior</i> .			
<i>Courts, Corporation, Clerks of, to sign all writs and other judicial process of the court</i>	7	49	31
<i>Courts, City</i> —see <i>Courts, Corporation</i> .			
<i>Courts, Mayors'</i> —see <i>Courts, Corporation</i> .			
<i>Courts, Municipal</i> —see <i>Courts, Corporation</i> .			
<i>Courts, Police</i> —see <i>Courts, Corporation</i> .			
<i>Courts, Supervisors'</i> —see <i>Courts, County</i> .			
<i>Courts, Town</i> —see <i>Courts, Corporation</i> .			
<i>Courts, Inferior, General superintending control of Supreme Court over of jurisdiction similar to that of Justices of the Peace, Action of grand jury not requisite to criminal prosecutions in</i>	7	4	22
	2	8	3
<i>Courts, Inferior, Judges of, ineligible to seat in either house of General Assembly</i>	5	7	11
See, also, <i>Judges</i> .			

	ART.	SEC.	PAGE.
<i>Courts, Separate Criminal, abolished</i>	7	45	31
Jurisdiction exercised by, transferred to Circuit Courts.....	7	45	31
Circuit Courts to be regarded as continuations of.....	Se	23	66
Papers and records of, to be transferred to Circuit Courts.....	7, Se	45, 23	31, 66
Actions in, not to abate because of change made in this Constitution.....	Se	23	66
<i>Courts, Separate Criminal, Clerks of, to transfer records, books, and papers, of their respective courts, to Circuit Courts</i>	7	45	31
See, also, <i>Actions, Court, Evidence, Jury, Witnesses, etc., etc.</i>			
<i>Credit, Counties and municipal corporations not to loan, to corporations, individuals, etc</i>	12	5	41
<i>Credit, public, Loan of, prohibited</i>	16	1	46
<i>Crime, Punishment of, by involuntary servitude</i>	2	27	6
infamous, Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
Pardons for, etc.....	6	18	20
<i>Criminal Cases—see Prosecutions, Criminal.</i>			
<i>Criminal Charge, Persons how to be held to answer</i>	2	8	3
<i>Criminal Conduct, Removal of county and township officers for</i>	7	27	27
<i>Criminal Courts—see Courts, Criminal.</i>			
<i>Criminal Prosecutions—see Prosecutions, Criminal.</i>			
<i>Cruelty in punishments, prohibited</i>	2	9	4

D.

<i>Damage of private property for public use</i>	2	22	6
to personal property, Jurisdiction of Justices of the Peace in matters of.....	7	40	29
<i>Damages to persons and property, Railroads to be responsible for</i>	17	12	50
<i>Deaf and Dumb, General Assembly to provide for support of institutions for education of</i>	19	19	58
<i>Death, Survivors' right of action for injuries resulting in</i>	5	32	15
of Governor, Office how filled in case of.....	6	12, 13, 14	18
of President of Senate, during vacancy in office of Governor, Governorship how filled in case of.....	6	12	18
of members of State Board of Supervisors of Election under Schedule.....	Se	7	62
<i>Debate, freedom of, Privilege of, in General Assembly</i>	5	15	12
<i>Debt, Imprisonment for, unless in cases of fraud, prohibited</i>	2	16	5
seizure for, Exemption of property from.....	9	..	27
of private corporations, Restrictions upon creation and increase of.....	12	3	42
See, also, <i>Debts.</i>			
<i>Debt, Collection of—see Exemption.</i>			
<i>Debts of husband, Wife's separate property not subject to</i>	9	7	39
contracted since adoption of Constitution of 1868, and prior to that of 1874, Exemptions contained in Constitution of 1868 to apply to.....	9	9	9
DEBT, PUBLIC:			
1. Of the State:			
General Assembly, from time to time, to provide for the payment of all just and legal debts of the State.....	16	2	46
Levy of State tax, and appropriation of money, to raise means for the payment of the just debts of the State, constitute exceptions to the rule requiring, for such purposes, a majority of two-thirds of both houses of the General Assembly.....	5	31	15
State never to loan its credit for any purpose whatever.....	16	1	46
State never to issue any interest-bearing treasury warrants or scrip.....	16	1	46
State never to assume or pay the debt or liability of any county, town, city, or other corporation whatever, or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.....	12	12	48
2. Of Counties and Municipalities.			
debt of counties, existing at date of ratification of Constitution, Counties may levy tax of one-half of one per cent. for.....	16	9	47
outstanding, of municipal corporations, Additional tax of five mills may be levied for.....	12	4	41

	ART.	SEC.	PAGE.
<i>Debt, Public, of Counties and Municipalities (continued:)</i>			
Issue of bonds may be authorized by law, to provide for and secure payment of indebtedness of counties and municipalities, existing at adoption of Constitution.....	16	1	46
of corporations, Assumption of, by the State.....	12	12	43
No city, county, town, or other municipality, ever to loan its credit for any purpose whatever.....	16	1	46
No county, city, town, or other municipal corporation, to obtain or appropriate money for, or loan its credit to, any corporation, association, institution, or individual.....	12	5	41
No county or municipality to issue (with exceptions stated) interest-bearing evidences of.....	16	1	46
<i>Decisions of Supreme Court, Concurrence of two Judges necessary to.....</i>	7	2	22
of Supreme Court, After increase of number of Judges, majority to be necessary to.....	7	3	22
<i>Deceased persons, estates of, Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....</i>	7	34	28
<i>Declaration of Rights.....</i>	2	..	2
Everything contained in, excepted out of the general powers of the government, and forever to remain inviolate.....	2	29	7
Enumeration, in, of rights, not to be construed to deny or disparage others retained by the people.....	2	29	7
All laws contrary to provisions of, to be void.....	2	29	7
<i>Decrees of courts—see Judgments.</i>			
<i>Deductions from salaries of public officers, General Assembly to regulate.....</i>	19	8	56
<i>Defence, common, Right of citizens to keep and bear arms for the.....</i>	2	5	3
<i>Defence, public, State may contract debts to provide for.....</i>	12	12	4
<i>Delegation of State's taxing power.....</i>	2	23	6
<i>Denomination, religious, No preference ever to be given, by law, to any.....</i>	2	24	6
religious, Each, to be protected in peaceable enjoyment of its own mode of public worship.....	2	25	6
<i>Department, Executive.....</i>	6	..	16
Legislative.....	5	..	10
Judicial.....	7	..	22
<i>Department, of Mining, Manufacturing, and Agriculture—see Bureau.</i>			
<i>Departments.....</i>	4	..	9
Powers of State government divided into three distinct, viz: legislative, executive, and judicial.....	4	1	9
respective, of State government, No person or persons belonging to, to exercise any power belonging to another, except as prescribed in Constitution, after Art. IV.....	4	2	9
of government, Right of petition to, by address or remonstrance.....	2	4	3
of government, Contracts for furnishing stationery, printing, paper, and fuel, for use of.....	19	15	57
<i>Department Reports, Printing, binding, and distributing of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....</i>	19	15	57
<i>Deputies of collectors or holders of public money, Condition of eligibility of, to General Assembly, or office of trust or profit.....</i>	5	8	11
<i>Descent of property, Distinctions of law, between resident aliens and citizens, in matter of, forever prohibited.....</i>	2	20	5
<i>Detention, Unreasonable, of witnesses, prohibited.....</i>	2	9	4
<i>Digesting of the laws of the State.....</i>	19	17	58
<i>Diminution of obligations or liabilities, of corporations, held or owned by State, prohibited.....</i>	5	33	15
<i>Directors—see Corporations, and Railroad Companies, Canal Companies, and Turnpike Companies, under items relative to their officers.</i>			
<i>Disabilities for exercise of elective franchise.....</i>	3	5, 6, 7	8
<i>Disability of Governor, Office how filled in case of.....</i>	6	12, 13, 14	18
of President of Senate during vacancy in office of Governor, Governorship how filled in case of.....	6	13	18
<i>Disagreement between the two houses of General Assembly with respect to time of adjournment.....</i>	6	20	21
<i>Disapproval, by Governor, of bills.....</i>	6	15	19
of bills return of which has been prevented by adjournment of General Assembly, how recorded and published.....	6	15	19

INDEX TO CONSTITUTION.

CXXV

	ART.	SEC.	PAGE.
<i>Disapproval</i> by Governor, of items of appropriation bills.....	6	17	20
by Governor, of joint and concurrent orders and resolutions, Proceedings in case of.....	6	16	20
<i>Disbursements</i> from the treasury to be made only in pursuance of specific appropriation, by law, made in manner specified.....	5	29	15
from treasury, to be only in accordance with appropriations by law.....	16	12	43
of public moneys, Publication of receipts and expendi- tures of.....	19	12	57
of money for county purposes, County courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
<i>Discharge</i> of indebtedness of corporations to the State, Conditions of.....	12	12	43
<i>Discrimination</i> in charges for transportation, prohibited.....	17	1, 3, 5, 6, 10	48, 49, 50
<i>Disqualification</i> for office of trust or profit, for willful and corrupt viola- tion of election laws.....	3	6	8
of officers of election, for any civil office (with exceptions stated) to be filled at an election at which they may serve.....	3	10	9
for membership of either house of General Assembly, by reason of holding office.....	5	7	11
of collectors or holders of public money, for membership of General Assembly, or office of trust or profit, until account and payment of all sums for which liable.....	5	8	11
for seat in General Assembly, or office of trust or profit, by rea- son of conviction, after adoption of Constitution, of infamous crime.....	5	9	11
of Senators and Representatives, during term for which elected, for any civil office under the State.....	5	10	11
for membership of General Assembly, of member expelled for corruption.....	5	12	12
for office of Governor, of person holding office under authority of State of Arkansas, or U. S., except as by the Constitution provided.....	6	11	18
of Treasurer, Secretary, and Auditor, of State, and Attorney General, for holding any other office, State, U. S., or other- wise, at one and the same time.....	6	22	21
of Judges of the Supreme Court, from presiding at trial, Case of.....	7	9	23
of Judges of Supreme Court, to hold other office.....	7	10	24
of Judges of Circuit Courts, to hold other office.....	7	18	25
of Judges of Circuit Courts, from presiding, Case of.....	7	21	25
of Judges and Justices of the Peace from presiding at trial.....	7	20	26
of Judges of County and Probate Courts from presiding at trial, Case of.....	7	36	28
for office, a punishment in cases of impeachment.....	15	1	45
for office, of officers of State, and members and officers of Gen- eral Assembly, for misuse of public moncoys.....	16	3	46
of atheists to hold civil office or testify as witnesses.....	19	1	55
for office, of duellists and their abettors.....	19	2	55
for office, of persons not possessing qualifications of an elec- tor.....	19	3	55
of electors.....	3	5, 6, 7	8
<i>Disorderly behavior</i> in presence of either house of General Assembly, Power to punish.....	5	12	11
in presence of either house of General Assembly, Punishment for, not a bar to indictment for same offence.....	5	12	12
<i>Disseizure</i> of estate, freehold, liberties, or privileges, except by judgment of peers or law of the land, prohibited.....	2	21	5
<i>Distinctions</i> of law, between resident aliens and citizens, in matter of property, forever prohibited.....	2	20	5
<i>District officers</i> to reside within their respective districts.....	19	4	56
Place of office of, to be such as may be designated by law.....	19	4	56
<i>Districts, judicial</i> , Sebastian county may have two.....	13	5	44
See, also, <i>Circuits, Judicial</i> .			
<i>Districts, Senatorial</i> , Division of State into, by legislature, prescribed.....	8	2	35
to consist of contiguous territory.....	8	3	
No county to be divided in formation of.....	8	3	37
Division of State into, to be made only at first regular session after each census.....	8	4	37

[For Table showing apportionment of counties to Senatorial Districts, as prescribed until otherwise provided by General Assembly, see at close of Index.]

	ART.	SEC.	PAGE.
<i>Districts, School</i> —see <i>School-districts</i> .			
<i>Distribution of laws, journals, and department reports, and other printing, to be performed under contract to be given to lowest responsible bidder, below maximum price, as shall be prescribed by law</i>	19	15	57
<i>Divorces not to be granted by special law</i>	5	24	14
<i>Documents, Official, to be turned over to officers chosen at first election</i>	Se	21	66
<i>Domain. Eminent, State's ancient right of, fully and expressly conceded</i>	2	23	6
State's right of, over property and franchises of incorporated companies.....	17	9	50
<i>Dram-shops, to be closed on day of election under Schedule</i>	Sc	15	63
<i>Drinking-houses to be closed on day of election under Schedule</i>	Sc	15	63
<i>Drawback upon charges for railroad or canal transportation</i>	17	6	49
<i>Due process of law, Right to</i>	2	8	3
<i>Duelling</i>	19	2	56
<i>Duties</i> —see under head of each officer, and, in reference to General Assembly, under sub-head of <i>Duties, Obligatory</i> .			

E.

<i>Education</i>	14	..	44
See, also, <i>Schools, and University</i> .			
<i>Educational Corporations</i>	12	2	41
<i>Effects, security of, against unreasonable searches and seizures, Right to</i>	2	15	8
ELECTIONS	3	..	7
1. FREEDOM OF ELECTIONS, AND OF EXERCISE OF PRIVILEGE OF SUFFRAGE :			
<i>Elections to be free and equal</i>	3	3	8
No power, civil or military, ever to interfere to prevent the free exercise of the right of suffrage.....	3	2	7
No law to be enacted whereby the right to vote at any, shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.....	3	2	7
No religious test to be required of any person as a qualification to vote.....	2	26	6
No law to be enacted whereby the right to vote at any, shall be made to depend upon any previous registration of the elector's name.....	3	2	7
2. QUALIFICATIONS OF VOTERS :			
General rule of qualifications of voters.....	3	1	7
Exceptions to general rule of qualifications of voters.....	3	2, 5, 7	7, 8
Idiots and insane persons not entitled to privileges of electors..	3	5	8
No soldier, sailor, or marine, in the military or naval service of U. S., to acquire a residence by reason of being stationed on duty in this State.....	3	7	8
Right of suffrage may, by operation of statutes, be forfeited for the commission of a felony at common law.....	3	2	7
3. CONDUCT OF ELECTIONS, ETC. :			
<i>Elections, All, by the people, to be by ballot</i>	3	3	8
Ballots to be numbered in the order in which received.....	3	3	8
Numbers of ballots to be recorded, by the election officers, on the list of voters, opposite the name of the elector who presents the ballot.....	3	3	8
Officers of, to be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witness in a judicial proceeding, or a proceeding to contest an election.....	3	3	8
[See, further, on this latter head, under <i>Elections, Contested, below</i> .]			
officers of, Classes disqualified from serving as.....	3	10	8
Officers of, ineligible to any civil office to be filled at an election at which they shall serve—save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.....	3	10	8
Persons convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State, to be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.....	3	6	8

	ART.	SEC.	PAGE.
Electors (except in cases of treason, felony, and breach of the peace) to be privileged from arrest during attendance at, and going to and from.....	3	4	8
Returns of, for officers who are to be commissioned by the Governor, and for members of the General Assembly, except as otherwise provided by the Constitution, to be made to Secretary of State.....	19	10	86
For conduct of election, disposition of returns, etc., at first election for officers, and upon question of ratification of Constitution, see <i>Election under Schedule</i> , below.			
<i>Election laws</i> of the State, Willful and corrupt violation of, to constitute felony, and disqualify for offices of trust or profit.....	3	6	8
4. SPECIFIC ELECTIONS:			
<i>a. General:</i>			
<i>Elections</i> , General, to be held biennially, on first Monday of September.....	3	8	8
general, General Assembly may, by law, fix a different time for, from that prescribed in the Constitution.....	3	8	8
for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General.....	6	3	16
for members of House of Representatives, to be biennially held, by the qualified electors of the several counties.....	5	2	10
for State Senators, to be quadrennially held, by the qualified electors of the several districts.....	5	3	10
for State Senators, Date of, in each district, determined by lot cast at first session of Senate after adoption of Constitution, dividing the Senators then in office into two classes, holding place for two and four years, respectively—all, thereafter, to be elected for four years.....	5	3	10
Each house of General Assembly to be sole judge of the elections, qualifications, and returns, of its own members.....	5	11	11
of Judges of Supreme Court.....	7	6	23
of Chief Justice of Supreme Court, to be as such.....	7	2	22
of Judges of Circuit Courts.....	7	18, 17	24, 25
of Judges of County Courts.....	7	29	27
of Judge of Pulaski Chancery Court.....	7	44	30
of Clerk of Pulaski Chancery Court.....	7	44	30
of Prosecuting Attorneys.....	7	24	26
of Circuit Clerks.....	7	19	25
of County officers.....	7	46	31
of Justices of the Peace.....	7	38, 39	29
of Constables.....	7	47	31
<i>b. Special popular elections, to fill vacancies:</i>			
<i>Elections</i> to fill vacancy in office of Governor, not happening within twelve months next before expiration of Governor's term of office.....	6	14	18
to fill vacancy in office of Governor. Returns of.....	6	14	18
All vacancies in any office provided for in Art. VII (i. e., judicial officers, officers of courts, and county and township officers) to be filled by special election; save that in case of vacancies occurring in county and township offices six months, and in other offices nine months, before the next general election, such vacancies shall be filled by appointment by the Governor.....	7	50	31
to fill vacancies in either house of the General Assembly, Governor to issue writs for.....	5	6	10
<i>c. For Special Judges:</i>			
<i>Elections</i> of Special Judges of Circuit Courts.....	7	21	25
of special presiding officer of Quorum of the County, in case of absence of County Judge.....	7	30	27
<i>d. In the two houses of General Assembly:</i>			
<i>Elections</i> by persons acting in a representative capacity, to be viva voce.....	3	12	9
of officers, civil or military, by joint or concurrent vote of both houses, or by the separate vote of either house, of General Assembly, Vote upon, to be taken viva voce, and entered on the journals.....	5	14	12
of President of Senate and Speaker of House of Representatives.....	5	18	13

	ART.	SEC.	PAGE.
<i>c. Miscellaneous:</i>			
<i>Election of officers of militia, Privilege of volunteers and militia from arrest during attend ance at, etc.....</i>	11	3	40
<i>on question of adoption of amendments to Constitution.....</i>	19	22	59
<i>First general, after ratification of Constitution, when to be held.....</i>	Sc	26	67
<i>But for the two latter cases, see, further, Election under Schedule, below.</i>			
5. CONTESTED ELECTIONS:			
<i>Elections, Contested, for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General, to be determined by the members of both houses of the General Assembly, in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as thereafter in the Constitution provided in the case of special elections [see, below, Elections, Contested, for Governor, in case of special election to fill vacancy].....</i>	6	4	17
<i>for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General [except in case of special elections to fill vacancy in office of Governor, for which see below], to be tried and determined at the first session of the General Assembly after the election in which the contest shall have arisen.....</i>	6	4	17
<i>for Governor, in case of special election to fill vacancy, to be decided as may be provided by law.....</i>	6	14	19
<i>Each house of General Assembly to be sole judge of the qualifications, returns, and elections, of its own members.....</i>	5	11	11
<i>for county, township, or municipal offices. In case of, an appeal to lie, at the instance of the party aggrieved, from any inferior board, council, or tribunal, to the Circuit Court, on the same terms and conditions on which appeals may be granted to the Circuit Court in other cases—the case, on such appeals, to be tried de novo.....</i>	7	52	32
<i>General Assembly to provide, by law, the mode of contesting elections in cases not specifically provided for in Constitution..</i>	19	24	60
<i>Election officers, when witnesses in proceedings in, or in judicial proceedings, may be required to disclose how an elector shall have voted.....</i>	3	3	8
<i>In trials of, and in proceedings for the investigation of elections, no person to be permitted to withhold testimony on ground of self-implication, or subjection to public infamy.....</i>	3	9	8
<i>Testimony given in, and in proceedings for the investigation of elections, not to be used against witness, in any judicial proceeding, except for perjury in giving such testimony.....</i>	3	9	8
<i>Vote or ballot of qualified elector, being unlawfully refused, not counted, or not returned, to be, nevertheless, counted upon trial of.....</i>	3	11	9
ELECTION UNDER SCHEDULE:]			
<i>when to be held.....</i>	Sc	3	61
<i>Constitution to be submitted to people, for ratification, at.....</i>	Sc	3	61
<i>Officers to be chosen at.....</i>	Sc	3	61
<i>Publication of notice of.....</i>	Sc	5	61
<i>Governor to issue proclamation enjoining preservation of good order, etc., on day of.....</i>	Sc	6	62
<i>State Board of Supervisors of.....</i>	Sc	7	62
<i>County Boards of Election Supervisors of.....</i>	Sc	8	62
<i>See below.</i>			
<i>Copies of Constitution to be distributed by officers of.....</i>	Sc	10	62
<i>Judges of election at.....</i>	Sc	11	63
<i>Election clerks at.....</i>	Sc	11	63
<i>State Board of Supervisors of Election to provide form of poll-books for.....</i>	Sc	9	62
<i>County Boards to supply poll-books and ballot-boxes, at expense of county.....</i>	Sc	9	62
<i>Qualifications of voters at.....</i>	Sc	4, 14	61, 63
<i>Electors at, not to vote outside of township or ward of residence..</i>	Sc	14	63
<i>Conduct of.....</i>	Sc	12, 14, 16	63, 64
<i>Dram-shops and drinking-houses, to be closed on day of.....</i>	Sc	15	63
<i>Sale or gift of intoxicating liquors during day and night of, prohibited.....</i>	Sc	15	63
<i>Hours of holding.....</i>	Sc	16	64

	ART.	SEC.	PAGE.
ELECTION UNDER SCHEDULE (continued.)			
Registration of voters at.....	Sc	12	63
Judges to pass upon qualifications of voters at.....	Sc	12	63
Style of tickets.....	Sc	13	63
Deposit of tickets.....	Sc	14	63
Disposition of ballots, poll-books, and abstracts of votes.....	Sc	16	64
Counting of ballots.....	Sc	16	64
Returns of, to be forwarded to County Boards of Election Supervisors.....	Sc	16	64
Abstract of county returns, etc., to be forwarded, by County Boards, to State Board of Supervisors.....	Sc	16	64
Abstract of votes cast at, for State officers, to be certified and delivered to Speaker of House of Representatives.....	Sc	17	64
Result of vote at, for State officers, to be determined and announced by Speaker of House of Representatives.....	Sc	17	64
Officers chosen at, to be commissioned by Governor.....	Sc	18	65
Officers of Executive Department chosen at, when to enter upon discharge of duties.....	Sc	17	65
Officers, other than of Executive Department of State, chosen at, when to enter upon discharge of duties.....	Sc	20	65
Election, at, of Senators and Representatives.....	Sc	19	65
Returns, and certificates, of election of Representatives and Senators chosen at.....	Sc	19	65
List of members of General Assembly elected at, to be certified, and laid before each house of General Assembly.....	Sc	17	64
Abstract of votes at, to be filed in office of Secretary of State.....	Sc	17	64
* Ascertainment and publication of result of, upon question of ratification of Constitution.....	Sc	17	64
Penalty of malfeasance of officers of.....	Sc	25	67
Penalty of bribery at.....	Sc	25	67
Appropriation (\$5,000) to defray expenses of.....	Sc	27	67
<i>Election under Schedule, State Board of Supervisors of, constituted....</i>	Sc	7	62
Members.....	Sc	7	62
Oath of office.....	Sc	7	62
Quorum.....	Sc	7	62
Vacancies in.....	Sc	7	62
to give public notice of the election.....	Sc	5	61
to appoint County Boards of Election Supervisors.....	Sc	8	62
to fill vacancies in County Boards of Election Supervisors.....	Sc	8	62
to furnish and forward to County Boards, copies of Constitution, for distribution.....	Sc	10	62
to provide form of poll-books.....	Sc	9	62
Returns, etc., of election, to be forwarded to.....	Sc	16	64
Duties of, after close of election.....	Sc	17	64
to ascertain, state, and publish, result of vote for and against Constitution.....	Sc	17	64
* Publication by, of ratification of Constitution by the people, to fix date of Constitution taking effect.....	Sc	17	64
to certify expenses of the election.....	Sc	27	67
<i>Election under Schedule, County Boards of Supervisors of, Appointment of.....</i>	Sc	8	62
Qualifications.....	Sc	8	62
Oath of office.....	Sc	8	62
Quorum.....	Sc	8	62
Vacancies.....	Sc	8	62
to give public notice, in their respective counties, of the election.....	Sc	5	61
to be furnished with copies of Constitution, for distribution.....	Sc	10	62
to appoint Judges of Election in their respective counties.....	Sc	11	63
to furnish Judges of Election with poll-books and ballot-boxes, at expense of county.....	Sc	9	62
Returns of the election to be made to.....	Sc	16	64
Duties of, after close of election.....	Sc	16	64
to furnish certificates of election to Representatives chosen.....	Sc	19	65
Duty of, respecting returns and certificates of election of Senators.....	Sc	19	65
<i>Election under Schedule, Judges of, Appointment of.....</i>	Sc	11	63
to be furnished with poll-books and ballot-boxes.....	Sc	9	62

* See p. xxiii.

	ART.	SEC.	PAGE.
ELECTION UNDER SCHEDULE (continued.)			
to be furnished with copies of Constitution, for distribution.....	Sc	10	62
Case of failure of, to act.....	Sc	11	63
to pass on qualifications of voters at the election.....	Sc	12	63
to number the ballots.....	Sc	14	63
to deposit tickets in ballot-box.....	Sc	14	63
Duties of, after close of election.....	Sc	16	64
Penalty of malfeasance of.....	Sc	25	67
<i>Election under Schedule, Clerks of, Appointment of.....</i>	Sc	11	63
<i>Qualifications.....</i>	Sc	11	68
<i>Oath of office.....</i>	Sc	11	63
to register names of voters at.....	Sc	12	63
Penalty of malfeasance of.....	Sc	25	67
<i>Election laws of the State, Willful and corrupt violation of, to constitute felony, and disqualify for offices of trust or profit.....</i>	3	6	8
<i>Elective Franchise.....</i>	3	..	7
<i>Eligibility—see Qualifications, and Disqualifications.</i>			
<i>Embezzlement of public money, Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....</i>	5	9	11
<i>Eminent domain, State's right of, fully and expressly conceded.....</i>	2	23	6
Exercise of right of, over property and franchises of incorporated companies.....	17	9	50
<i>Employment (governmental) disqualifying holder for service as officer of election.....</i>	3	10	8
<i>Employees [of the State], Extra compensation to, after the service shall have been rendered, or contract made, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....</i>	5	27	14
General Assembly to fix salaries and fees of.....	16	4	46
Salaries and fees of, not to be paid at other than par value.....	16	4	46
of departments of State, Number and salary of, to be fixed by law.....	16	4	46
<i>Emoluments, Hereditary, forever prohibited.....</i>	2	19	5
<i>Enacting clause of acts of General Assembly.....</i>	5	19	13
<i>Encroachments on rights of the people, Provision of safeguard against.....</i>	2	29	7
<i>Enemies of the State, Adherence, aid, or comfort, to, to constitute treason.....</i>	2	14	4
<i>Equality, Natural, of all men.....</i>	2	9	2
of all persons, before the law, recognized, and ever to remain inviolate.....	2	8	2
of privileges and immunities.....	2	18	5
of elections.....	3	2	7
of right to transportation, etc., on railroads, etc.....	17	1,3,5, 6, 10	48, 49, 50
<i>Enumeration of inhabitants—See Census.</i>			
<i>Equity, Jurisdiction of Circuit Courts in matters of.....</i>	7	15	24
Establishment of Courts of Chancery.....	7	15	24
Jurisdiction, etc., of Pulaski Chancery Court.....	7	44	30
<i>Error, Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....</i>	7	4	22
<i>Establishment, religious, No preference ever to be given, by law, to any</i>	2	24	6
<i>Estate, forfeiture of, No conviction to work.....</i>	2	17	5
Disseizure of, except by judgment of peers or law of the land, prohibited.....	2	21	5
<i>Estates of deceased persons, Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to of persons of unsound mind, Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....</i>	7	34	28
<i>Evidence in criminal prosecutions for libel.....</i>	2	6	3
requisite to conviction of treason.....	2	14	5
in trials of contested elections, and in proceedings for investigation of elections, Rules of, respecting secrecy of ballot, self-crimination, etc.....	3	3, 9	8
of publication of notice of intention to apply for local or special bill, to be exhibited in General Assembly, before passage of act.....	5	26	14
of atheists, not receivable in court.....	19	1	55
of parties in civil actions.....	Sc	2	61
of executors, administrators, and guardians, in actions by or against them.....	Sc	2	61

INDEX TO CONSTITUTION.

CXXXI

	ART.	SEC.	PAGE.
<i>Examining courts, Jurisdiction of Justices of the Peace as.....</i>	7	40	29
<i>Exchange of obligations or liabilities of corporations, held or owned by State, prohibited.....</i>	5	33	15
<i>Exchange of Circuits by Judges of Circuit Courts.....</i>	7	22	26
<i>Exclusive jurisdiction (with exception stated) of two houses of General Assembly, in joint session, in cases of contested elections for officers of Executive Department.....</i>	6	4	17
For exclusive jurisdiction on the part of the several courts, see under the proper headings.			
<i>Excursion tickets upon railroads.....</i>	17	3	49
<i>Execution for debt, Property exempt from.....</i>	9	..	37
<i>Execution of the laws, Governor to see to.....</i>	6	7	18
Power of Governor to call out volunteers or militia for.....	11	4	40
<i>Executive Department.....</i>	6	..	16
Executive powers of the State Government confided to a separate body of magistracy.....	4	1	9
Ordinary expenses of, to be provided for in general appropriation bill.....	5	30	15
Officers of.....	6	1	16
Officers of, to keep their offices, in person, at seat of government	6	1	16
Term of officers of.....	6	1	16
Officers of, how chosen.....	6	3	16
Officers of, how chosen in case of tie.....	6	3	17
Contested elections for officers of.....	6	4	17
Returns of elections for officers of.....	6	3	17
Governor may require information, in writing, from officers of, on subjects relating to duties of their offices.....	6	7	17
See, also, the headings immediately below, as well as under head of each officer of the Department.			
<i>Executive officer, Offer to, or acceptance by, of consideration, to influence his official action, constitutes felony.....</i>	5	35	16
<i>Executive officers, Oath of office of.....</i>	19	20	58
<i>Executive offices, Officers of militia and of public schools, and Notaries, eligible to.....</i>	19	26	60
<i>Executive power, Supreme, vested in Chief Magistrate, styled Governor, etc.....</i>	6	2	16
<i>Executive powers of State government confided to separate body of magistracy.....</i>	4	1	9
<i>Executive sessions of Senate.....</i>	5	13	12
<i>Executors, Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....</i>	7	34	28
Homesteads subject to seizure under judgments against, for moneys collected by them.....	9	3	38
Competency of, as witnesses, in actions by or against.....	Se	2	61
EXEMPTION:			
1. <i>From seizure for debt:</i>			
<i>Exemption.....</i>	9	..	37
of property from seizure for debt.....	9	..	37
of personal property of residents of State, not married or heads of families.....	9	1	37
of personal property of residents married, or heads of families... of personal property. Exceptions to rule of.....	9	2	37
of homestead of residents, married or heads of families.....	9	1, 3	37, 38
of homestead outside of city, town, or village, Extent of.....	9	3	38
of homestead in city, town, or village, Extent of.....	9	4	38
of homestead of widow.....	9	5	38
of homestead of minor children.....	9	6, 10	38, 39
of rolling stock and movable property of railroads, prohibited.. provisions of Constitution of 1863, in regard to, Effect of.....	9	6, 10	38, 39
laws, in force at adoption of Constitution of 1863, to remain in force with regard to contracts made before that time.....	17	11	50
	9	9	39
	Se	1	60
2. <i>From taxation:</i>			
<i>Exemption:</i>			
of property from taxation, other than as provided in Constitution, void.....	16	6	47
of capital invested in mining and manufacturing business in this State, from taxation, for seven years after ratification of Constitution—General Assembly may, by general law, provide for.....	10	3	40

	ART.	SEC.	PAGE.
3. <i>From duties of citizenship:</i>			
<i>Exemption:</i>			
from burden or duty, no citizen to enjoy, on account of race, color, or previous condition.....	2	3	2
from militia duty.....	11	1	40
<i>Exhibitions, General Assembly may tax.....</i>	16	5	47
<i>Exite, under any circumstances, prohibited.....</i>	2	21	6
<i>Ex post facto laws prohibited.....</i>	2	17	5
<i>Expenditures from the treasury to be made in pursuance of specific appropriation, by law, made in manner specified.....</i>	5	29	15
of public money, Publication of.....	19	12	57
<i>Expenses, Ordinary, of State Government, to be provided for in general appropriation bill.....</i>	5	30	15
necessary, of government, Levy of State tax, and appropriations of money, for defraying, constitute exceptions to rule requiring vote of majority of two-thirds of both houses of General Assembly.....	5	31	15
<i>Expulsion from the State, under any circumstances, prohibited.....</i>	2	21	6
of members of either house of General Assembly.....	5	12	11
of member of General Assembly, for criminal offence, Proceedings for, not to bar indictment and punishment for same offence.....	5	36	16
of member of General Assembly, for corruption, renders him thereafter ineligible to either house.....	5	12	12
<i>Extension of provisions of laws, not to be by reference to title only, but by re-enactment, and publication, at length, of provisions extended.....</i>	5	28	14
<i>Extra compensation—see Compensation.</i>			
<i>Extraordinary sessions of General Assembly.....</i>	6	19	20
F.			
<i>Fees of officers in the State, General Assembly to fix.....</i>	16	4	46
not to be paid at other than par value.....	16	4	46
salaries, and perquisites, of State, county, city, and town officers, not to exceed five thousand dollars net profit, per annum, in par funds.....	19	23	59
State officers (Prosecuting Attorneys excepted) not to receive to their own use.....	19	11	56
payable for any service performed by State officers (Prosecuting Attorneys excepted), to be paid in advance into the treasury.....	19	11	57
Judges of Supreme Court not to receive.....	7	10	24
Judges of Circuit Courts not to receive.....	7	18	25
<i>Felony, at common law, Lawful conviction of, alone to work forfeiture or impairment of right of suffrage.....</i>	3	2	7
Case of, constitutes exception to elector's privilege of freedom from arrest.....	3	4	8
Fraud, bribery, or other willful and corrupt violation of election laws of the State to constitute.....	3	6	8
Case of, constitutes exception to Senators' and Representatives' privilege of freedom from arrest.....	5	15	12
Offer, to public officer, of consideration, to influence his action, or acceptance of same by officer, constitutes.....	5	35	16
Jurisdiction of Corporation Courts over.....	7	43	30
case of, Privilege of volunteers and militia from arrest, at musters, etc., not to extend to.....	11	3	40
<i>Feme covert, Separate property of.....</i>	9	7, 8	39
Scheduling of separate personal property of.....	9	8	33
<i>Ferries, County Courts to have exclusive original jurisdiction in all matters relating to.....</i>	7	28	27
General Assembly may tax.....	16	5	47
<i>Feudal tenures, of every description, with all their incidents, prohibited</i>	2	28	7
<i>Filing of vetoed bills in office of Secretary of State, after adjournment...</i>	6	15	19
<i>Final passage of bills.....</i>	5	22	13
<i>Finance and taxation.....</i>	16	..	46
<i>Fines, Excessive, not to be imposed.....</i>	2	9	4
Governor to have power to remit, in criminal and penal cases, except in these of treason and impeachment.....	6	18	20
<i>Forces, military and naval, Governor to be Commander-in-Chief of (with exceptions, stated).....</i>	6	6	17

INDEX TO CONSTITUTION.

cxxxiii

	ART.	SEC.	PAGE.
<i>Forfeiture</i> of estate, No conviction to work.....	2	17	5
of right to vote, Lawful conviction of felony, at common law, only, to work.....	3	2	7
of charters, Condition of remission of	17	8	50
of residence, not caused by absence on business of descriptions specified.....	19	7	56
<i>Forfeitures</i> , Governor to have power to remit, in criminal and penal cases, except in those of treason and impeachment.....	6	18	20
<i>Foreign corporations</i> doing business in this State, Regulations concern- ing.....	12	11	42
<i>Foreigners</i> —see <i>Aliens</i> .			
<i>Forgery</i> , Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
<i>Form of government</i> , Privilege of free choice of.....	Pr	..	1
<i>Franchise and Elections</i>	3	..	7
See <i>Elections</i> .			
<i>Franchise</i> , elective, Qualifications for exercise of.....	3	1	7
For exceptions to general rule of qualifications, see.....	3	5, 6, 7	8
<i>Franchises</i> of Corporations—see Art. XII, <i>passim</i> .			
<i>Franchises</i> of parallel or competing lines of railroad or canal companies, Consolidation, etc., of, prohibited.....	17	4	49
of incorporated companies, State may take, in exercise of right of eminent domain.....	17	9	50
of foreign corporations doing business in the State, Regula- tions concerning.....	12	11	42
<i>Fraud</i> , Case of, constitutes exception to prohibition of imprisonment for debt.....	2	16	5
in elections, to constitute felony, and disqualify for offices of trust or profit.....	3	6	8
<i>Free passes</i> , grant of, by railroad or transportation companies to officers of the State, General Assembly to prevent, by law.....	17	7	50
<i>Free Schools</i> —see <i>Schools</i> .			
<i>Freedom</i> of the press and of speech.....	2	6	3
of elections.....	3	2	7
religious, Natural and indefeasible right of.....	2	24	6
of conscience, Right of.....	2	24	6
of worship.....	2	24, 25	6
of speech and debate, in session of General Assembly.....	5	15	12
But see, also, <i>Liberty</i> .			
<i>Freehold</i> , Disseizure of, except by judgment of peers or law of the land, prohibited.....	2	21	5
<i>Fuel</i> for use of State government to be furnished by lowest responsible bidder below maximum price, under regulations to be pre- scribed by law.....	19	15	57
for use of State government, Contracts for furnishing, to be sub- ject to approval of Governor, Auditor, and Treasurer.....	19	15	57
for use of State government, No member or officer of govern- ment to be interested in contract for.....	19	15	57
<i>Funds</i> of State, for the benefit of schools or universities, not to be used for other than their respective purposes.....	14	2	44
public, Publication of receipts and expenditures of.....	19	12	57
But see <i>Auditor, Claims, Debt Public, Disbursements, Moneys,</i> <i>Payment, School Fund, Treasurer, etc., etc.</i>			
<i>Furnishing</i> of rooms used for meetings of General Assembly and its com- mittees, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57

G.

	ART.	SEC.	PAGE.
<i>Garland, Augustus H.</i> , a member of State Board of Supervisors of Election under Schedule.....	Se	7	62

GENERAL ASSEMBLY.*

CONSTITUTION, ETC., OF GENERAL ASSEMBLY :

1. GENERAL PROVISIONS:

The legislative powers of the government of the State, as distinguished from those executive and judicial, to be confided to a separate body of magistracy.....	4	1	9
Legislative power of the State vested in a General Assembly.....	5	1	10
No person, or collection of persons, being of one department of the government, to exercise any power belonging to either of the others, except in the instances in the Constitution, after Art. IV, expressly directed or permitted.....	4	2	9
to consist of the Senate and House of Representatives.....	5	1	10

2. SENATE :

Senate to consist of members to be chosen every four years, by the qualified electors of the several districts.....	5	3	10
The Senators, at the first session of the Senate, to divide themselves into two classes by lot; the first class to hold their places for two years only; after which, all to be elected for four years.....	5	3	10
Senate never to consist of less than thirty, nor more than thirty-five, members.....	8	2	37
Arrangement of Senatorial districts until the enumeration of the inhabitants shall have been taken by U. S. Government, A. D. 1880.....	8	2	35

* A statement of the system of classification adopted under this head, may facilitate reference.

Under the principal title of "GENERAL ASSEMBLY" have been grouped the general provisions of the Organic Law respecting the constitution, organization, and methods of procedure, of the two houses, respectively, and of the entire body legislative, the election, returns, qualifications, compensation, and privileges, of members, etc. etc. These are arranged, without attempt at very nice distinction (which the nature of the matter in this instance renders impracticable, or, at least, unprofitable), under the sub-heads, respectively, of "*Constitution, etc., of General Assembly,*" "*Proceedings,*" and "*Miscellaneous.*"

The constitutional provisions prescribing the powers and duties of the Legislature, have been treated under the three heads of "DUTIES OBLIGATORY," "POWERS DISCRETIONARY," and "POWERS DENIED." Each of these titles (so far as in the respective cases required) is subdivided as follows :

1. Provisions specifically affecting the Senate.
2. Provisions specifically affecting the House of Representatives.
3. Provisions equally affecting each of the two houses, acting in its separate capacity.
4. Provisions affecting the two houses acting in joint session.
5. Provisions affecting the entire General Assembly, acting in the exercise of its ordinary capacity of legislation.

Each of the above-recited sub-divisions is again sub-divided (when required) as follows :

- a. As regards matter of procedure.
- b. As regards matters of legislation generally.
- c. As regards matters special (this latter sub-head having reference, not to what is known as "special legislation," but to the performance of certain specific duties prescribed, or powers conferred, in particular cases, by the Constitution.)

A fifth title sets forth the "REPORTS" to be made to the Legislature, so far as in the Constitution prescribed.

The provisions regulating the joint sessions of the two houses, those affecting the question of special legislation, and those prescribing, for the adoption of certain specified propositions, the vote of a greater or less number of members than a majority of the quorum present, are also collated, in their proper alphabetical places in the *general index*, under the respective heads of "*Joint sessions,*" "*Special legislation,*" and "*Votes.*"

So of "*Bills,*" "*Impeachments,*" "*Journals,*" etc., and, indeed, of every separate topic referred to under the general head above; though these have for the most part been more briefly treated. The fullness of the digest, therefore, under the head of "GENERAL ASSEMBLY," will by no possibility interfere with readiness of reference upon any particular subject.

☞ A TABLE OF CONTENTS OF THE INDEX-MATTER CONTAINED UNDER THE ENTIRE HEAD OF GENERAL ASSEMBLY, WITH REFERENCES TO THE PAGING OF THIS PORTION OF THE WORK, WILL BE FOUND IN THE FOOT-NOTE AT THE CLOSE OF THIS TITLE.

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
<i>[For table showing apportionment of counties to Senatorial Districts, as prescribed until otherwise provided by General Assembly, see at close of Index.]</i>			
State to be, from time to time, divided into convenient Senatorial districts, in such manner that the Senate shall be based upon the adult male inhabitants of the State; each Senator representing an equal number as near as practicable.....	8	2	35
Division of State into Senatorial districts to be made at the first regular session after each enumeration of the inhabitants of the State, by Federal or State government, shall have been ascertained, and at no other time.....	8	4	37
Senatorial districts, at all times, to consist of contiguous territory.....	8	3	37
No county to be divided in the formation of Senatorial districts.....	8	3	37
3. HOUSE OF REPRESENTATIVES:			
House of Representatives to consist of members to be chosen every second year, by the qualified electors of the several counties.....	5	2	10
House of Representatives to consist of not less than seventy-three, nor more than one hundred, members.....	8	1	32
Apportionment of Representatives, until the enumeration of the inhabitants shall have been taken by the U. S. Government, A. D. 1880.....	8	1	33
Each county organized at time of adoption of Constitution always to be entitled to one Representative; the remainder to be apportioned among the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of Representatives amounts to one hundred, when they shall not be further increased.....	8	1	32
Ratio of representation in the House of Representatives to be from time to time increased, as in the Constitution provided; but so that the Representatives shall never exceed the number of one hundred.....	8	1	32
Apportionment of Representatives to the several counties to be made at the first regular session after each enumeration of the inhabitants of the State, by the Federal or State government, shall have been ascertained, and at no other time.....	8	4	37
4. VACANCIES:			
Governor to issue writs of election, to fill such vacancies as shall occur in either house.....	5	6	10
5. PRELIMINARIES TO ORGANIZATION:			
Returns for members (except as otherwise provided by the Constitution—i. e., in case of first election after adoption of Constitution, for which see Schedule, Secs. 16 and 17, p. 64) to be made to Secretary of State.....	19	10	56
Each house to be sole judge of the qualifications, returns, and elections, of its own members.....	6	11	11
Term of all members to begin on the day of their election.....	5	16	12
Senators and Representatives, before entering on the duties of their respective offices, to take, and subscribe to, oath, or affirmation, prescribed.....	19	20	58
Oath of office.....	19	20	58
6. QUALIFICATIONS OF MEMBERS:			
<i>Citizenship and residence.</i> —No person to be a Senator or Representative, who, at the time of his election, is not a citizen of the U. S., nor any one who has not been for two years next preceding his election a resident of this State, and for one year next preceding his election, a resident of the county or district whence he may be chosen.....	5	4	10
<i>Age.</i> —Senators to be at least twenty-five years of age, and Representatives at least twenty-one years of age.....	5	4	10
<i>Disqualifications.</i> —By reason of holding office.—No Judge of the Supreme, Circuit, or inferior courts, of law or equity, Secretary of State, Attorney General for the State, Auditor or Treasurer, Recorder, Clerk of any court of record, Sheriff, Coroner, Member of Congress, nor any other person holding any lucrative office under the United States or this State (militia officers, Justices of the Peace, Postmasters, officers of public schools, and Notaries, excepted), to be eligible to a seat in either house.....	5	7	11

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
Treasurer of State, Secretary of State, Auditor of State, and Attorney General, to hold no other office or commission, civil or military, in this State, etc., at one and the same time.....	6	22	21
Supreme Judges to hold no other office, nor hold any office of trust or profit under the State, etc.....	7	10	24
Judges of Circuit Courts to hold no other office of trust or profit under this State, etc.....	7	18	25
<i>By reason of violation of election laws.</i> —Any person convicted of fraud, bribery, or other willful and corrupt violation of any election law of this State, to be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this State.....	3	6	8
<i>By reason of service as officer of the election.</i> —No election officer to be eligible to any civil office to be filled at an election at which he shall serve (save to certain subordinate municipal or local offices).....	4	10	9
<i>By reason of failure to account for public moneys entrusted.</i> —No person who at date of adoption of the Constitution was, or thereafter may be, a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, to be eligible to a seat in either house, nor to any other office of trust or profit, until he shall have accounted for, and paid over, all sums for which he may have been liable to a seat in either house.....	5	8	11
<i>By reason of conviction of crime.</i> —No person convicted, after adoption of the Constitution, of embezzlement of public money, bribery, forgery, or other infamous crime, to be eligible to.....	5	9	11
<i>By reason of previous expulsion for corruption.</i> —A member expelled for corruption, not, thereafter, to be eligible to either house.....	5	12	12
<i>By reason of conviction upon impeachment.</i> —Judgment in cases of impeachment, may include disqualification to hold any office of honor, trust, or profit, under this State.....	15	1	45
<i>By reason of misuse of public moneys.</i> —The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, to be punishable as may be provided by law; but part of such punishment to be, disqualification to hold office in this State, for a period of five years.....	16	3	46
<i>By reason of atheism.</i> —No person who denies the being of a God, to hold any office in the civil departments of this State.....	19	1	55
<i>By reason of participation in a duel.</i> —No person who, after the date of adoption of the Constitution, may fight a duel, assist in the same as second, or send, accept, or knowingly carry, a challenge therefor, to hold any office in the State, for a period of ten years, etc.....	19	2	55
<i>By reason of non-qualification as elector.</i> —No person to be elected to, or appointed to fill a vacancy in, any office, who does not possess the qualifications of an elector.....	19	3	55
7. COMPENSATION OF MEMBERS:			
Per diem pay, and mileage, of members, for their services, to be such as shall be fixed by law.....	5	16	12
Pay and mileage of members, for two years from the adoption of the Constitution, and until otherwise provided by law, to be the sum of six dollars per day, and twenty cents per mile for each mile travelled in going to and returning from the seat of government, over the most direct and practicable route.....	So	28	67
No increase of salaries of members to be provided for, which shall take effect before the meeting of the next General Assembly.....	19	11	57
No increase of pay to be received for his services, by any member of either house, during the term for which he has been elected, under any law passed during such term.....	5	16	12
PROCEEDINGS:			
1. SESSIONS:			
<i>a. Regular:</i>			
to meet at the seat of government, every two years, on the first Tuesday after the second Monday in November, until said time be altered by law.....	5	5	10

INDEX TO CONSTITUTION.

(4)

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
Duration of regular biennial sessions not to exceed sixty days, unless by vote of two-thirds of the members elected to each house; except at the first session under this Constitution, or when impeachments are pending.....	5	17	12
<i>b. Extraordinary :</i>			
Governor may, by proclamation, 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 contagious disease.....	6	19	20
Governor to specify, in his proclamations calling extraordinary sessions, the purpose for which the General Assembly is convened.....	6	19	21
At extraordinary sessions, no business other than that set forth in the proclamation of the Governor to be transacted, until such business shall have been disposed of.....	6	19	21
at extraordinary sessions, after disposition of the business set forth in the proclamation of the Governor, may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.....	6	19	21
2. PUBLICITY OF PROCEEDINGS:			
Sessions of each house, and of committees of the whole, to be open, unless when the business is such as ought to be kept secret.....	5	13	12
(By implication) each house may withhold from publication such parts of its journal as require secrecy.....	5	12	12
3. QUORUM, ETC.:			
Majority of all the members elected to each house, to constitute a quorum to do business.....	5	11	11
Smaller number than a quorum, of either house, may adjourn from day to day.....	5	11	11
Smaller number than a quorum, of either house, may compel the attendance of absent members, in such manner and under such penalties as such house shall provide.....	5	11	11
4. PRESIDING OFFICERS :			
Each house, at the beginning of every regular session, and whenever a vacancy may occur, to elect from its members a presiding officer.....	5	18	13
Presiding officer of the Senate to be styled President of the Senate.....	5	18	13
Presiding officer of the House of Representatives to be styled Speaker of the House of Representatives.....	5	18	13
Whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, the Senate to elect another President, from those members whose terms of office continue over.....	5	18	13
President of the Senate to qualify upon election, and remain in office as such until his successor may be elected and qualified.. [For functions to be exercised by President of Senate and Speaker of House of Representatives, in case of vacancy in office of Governor, see under sub-head of "MISCELLANEOUS," below.]	5	18	13
5. JOURNALS :			
Each house to keep a journal of its proceedings.....	5	12	12
Each house, from time to time, to publish its journal, except such parts as require secrecy.....	5	12	12
6. SPECIAL POWERS OF EACH HOUSE :			
Each house has power :			
to appoint its own officers.....	5	11	11
to be sole judge of the qualifications, returns, and elections, of its own members.....	5	11	11
to determine the rules of its proceedings.....	5	12	11
to punish its members, or other persons, for contempt or disorderly behavior in its presence.....	5	12	11
(punishment for contempt, or disorderly behavior, not to bar an indictment for the same offence).....	5	12	12
to enforce obedience to its process.....	5	12	11

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
to protect its members against violence, or offers of bribes, or private solicitations.....	5	12	11
with the concurrence of two-thirds, to expel a member (but not a second time for the same cause).....	5	12	11
7. YEAS AND NAYS:			
Yeas and nays, on any question, at the desire of five members, to be entered on the journals.....	5	12	12
See, however, for collation of all provisions requiring the call of the yeas and nays, <i>Yeas and Nays</i> , in the General Index.			
8. ADJOURNMENTS:			
Neither house, without the consent of the other, to adjourn for more than three days.....	5	23	15
Neither house, without the consent of the other, to adjourn to any other place than that in which the two houses shall be sitting.....	5	23	15
In case of disagreement between the two houses, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting; and on account of danger from an enemy or disease, to such other place of safety as he may think proper.....	6	20	21
9. GENERAL LEGISLATION:			
a. <i>Bills generally:</i>			
No law to be passed except by bill.....	5	21	13
Style of the laws of the State of Arkansas to be: "Be it enacted by the General Assembly of the State of Arkansas.".....	5	19	13
No bill to be so altered or amended, on its passage through either house, as to change its original purpose.....	5	21	13
Every bill to be read at length, on three different days, in each house, unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day.....	5	22	13
No bill to become a law, unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same entered on the journal, and a majority of each house recorded, thereon, as voting in its favor.....	5	22	13
No law to be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, to be re-enacted and published at length.....	5	23	14
No new bill to be introduced into either house during the last three days of the session.....	5	34	16
b. <i>Appropriation bills, etc.:</i>			
Appropriations to be specific, their purpose to be distinctly stated in the bill, and the maximum amount which may be drawn to be specified in dollars and cents.....	5	29	15
Appropriation not to be for longer period than two years.....	5	29	15
General appropriation bill to embrace nothing but appropriations for the ordinary expense of the executive, legislative, and judicial departments of the State.....	5	30	15
All appropriations, except for ordinary expenses of the executive, legislative, and judicial departments of the State, to be made by separate bills, each embracing but one subject.....	5	30	15
Bills levying State taxes or making appropriations of money, except to raise means for payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion, and suppress insurrection, must be passed by a majority of two-thirds of both houses.....	5	31	15
c. <i>Bills allowing claims:</i>			
Bills allowing compensation, to any officer, agent, employe, or contractor, after the service shall have been rendered, or the contract made, must be passed by two-thirds of the members elected to each branch.....	5	27	14
Bills allowing any claim, the subject-matter of which shall not have been provided for by pre-existing laws, must be passed by two-thirds of the members elected to each branch of the General Assembly.....	5	27	14

INDEX TO CONSTITUTION.

(6)

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
<i>d. Bills local and special :</i>			
No local or special bill to be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated ; such notice to be, at least, thirty days prior to the introduction, into the General Assembly, of such bill, and in the manner to be provided by law ; the evidence of such notice having been published, to be exhibited in the General Assembly, before such act shall be passed.....	5	26	14
For full digest of provisions upon the subject, see <i>Special Legislation</i> , in the General Index.			
<i>c. Vetoes :</i>			
Bills which shall have passed both houses, to be presented to Governor, for approval.....	6	15	19
Bill, upon disapproval by Governor, to be returned, by him, with his objections, to the house in which it originated.....	6	15	19
On return of bill, with Governor's objections, the house to which returned to enter the objections at large upon the journal, and to proceed to reconsider the bill.....	6	15	19
If, after reconsideration of bill returned by Governor, disapproved, a majority of the whole number of members elected to the house to which it shall have been returned, shall agree to pass the bill, the bill to be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered.....	6	15	
If bill returned by Governor, with his objections, shall be approved by a majority of the whole number of members elected to each house, the bill to be a law.....	6	15	19
In case of return of bill, by Governor, with his objections, the votes of both houses to be determined by yeas and nays, and the names of the members voting for or against the bill, to be entered on the journals.....	6	15	19
Bills not returned by the Governor, within five days, Sundays excepted, after they shall have been presented to him, to be law, in like manner as if he had signed them, unless the General Assembly, by adjournment, prevent their return.....	6	15	19
In case the General Assembly, by adjournment, prevent the return of a bill, the bill to become a law, unless the Governor file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within twenty days after such adjournment.....	6	15	19
Governor to have power to disapprove any item, or items, of any bill making appropriations of money, embracing distinct items.....	6	17	20
The part or parts of bills making appropriations of money, approved by the Governor, to be the law; and the item or items of appropriations, disapproved, to be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.....	6	17	20
Orders or resolutions in which the concurrence of both houses may be necessary, except on questions of adjournment, to be presented to the Governor for approval.....	6	16	20
Orders or resolutions in which the concurrence of both houses may be necessary, being disapproved by the Governor, to be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.....	6	16	20
10. ELECTIONS IN GENERAL ASSEMBLY :			
Elections in, to be viva voce.....	3, 5	12, 14	9, 12
Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the vote to be taken viva voce, and entered on the journals.....	5	14	12
11. SPECIAL PROCEEDINGS :			
Procedure in matter of amendments to Constitution.....	19	22	59
Procedure in cases of impeachment.....	15	2	45
Governor, upon the joint address of two-thirds of the members elected to each house, for good cause, may remove the Auditor, Treasurer, Secretary of State, Attorney General, Judges of the Supreme and Circuit Courts, Chancellors, and Prosecuting Attorneys	15	3	45

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
In cases of treason, the Governor to have power, by and with the advice and consent of the Senate, to grant reprieves and pardons, and, in the recess of the Senate, to respite the sentence until the adjournment of the next regular session of the General Assembly.....	6	18	20
Advice and consent of Senate requisite to appointment of State Geologist.....	10	2	40
12. DETERMINATION OF RESULT OF ELECTIONS FOR EXECUTIVE OFFICERS OF STATE :			
Returns of election for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, respectively, to be sealed up separately and transmitted to the seat of government, by the returning officers, and directed to the Speaker of the House of Representatives.....	6	3	17
Speaker of the House of Representatives, during the first week of the session, to open and publish, in the presence of both houses, the votes cast and given for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, respectively.....	6	3	17
Upon the publication of the votes for Governor, Secretary, Treasurer, Auditor, and Attorney-General, respectively, the person having the highest number of votes for each of the respective offices, to be declared duly elected thereto.....	6	3	17
If two or more persons shall be equal and highest in votes for office of Governor, Secretary, Treasurer, Auditor, or Attorney-General, respectively, one of them to be chosen by the joint vote of both houses, and a majority of all the members elected to be necessary to a choice.....	6	3	17
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined by the members of both houses in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as thereafter in the Constitution provided in the case of special elections [being the case of special elections to fill vacancies in the office of Governor—See Art. VI, Sec. 14, p. 18].....	6	4	17
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined at the first session of the General Assembly after the election in which the same shall have arisen.....	6	4	17
MISCELLANEOUS :			
1. PROVISIONS RESPECTING MEMBERS :			
<i>a. Privilege :</i>			
Members, in all cases except treason, felony, and breach, or surety, of the peace, to be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same.....	5	15	12
Members not to be questioned in any other place for any speech or debate in either house.....	5	15	12
<i>b. Corruption, and other criminal conduct :</i>			
Any person who shall directly or indirectly offer, give, or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any member, to influence his action in the performance or non-performance of his public or official duty, to be guilty of a felony, and to be punished accordingly.....	5	35	16
Any member who shall receive, or consent to receive, any money, or thing of value, testimonial, privilege, or personal advantage, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duties, to be guilty of a felony, and to be punished accordingly.....	5	35	16
Member expelled for corruption, not, thereafter, to be eligible to either house.....	5	12	12
Proceedings to expel a member for a criminal offence, whether successful or not, not to bar an indictment, under the criminal laws, for the same offence.....	5	36	16
Members or officers, making profit out of public moneys, or using the same for any purpose not authorized by law, to be punished as may be provided by law ; part of such punishment			

INDEX TO CONSTITUTION.

(8)

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY (continued.)			
to be, disqualification to hold office in this State for a period of five years.....	16	3	46
<i>c. Ineligibility to other offices :</i>			
No Senator or Representative, during the term for which he shall have been elected, to be appointed or elected to any civil office under this State.....	5	10	11
<i>d. Special prohibitions :</i>			
Grant of free passes, by any railroad or transportation company, to legislative officers, to be prevented by law.....	17	7	50
No member to be interested in any contract for stationery, printing, paper, fuel, for the use of the General Assembly, or other departments of government, the printing, binding, or distributing, of the laws, journals, or department reports, or any other printing and binding, or the repairing and furnishing the halls and rooms used for the meetings of the General Assembly.....	19	15	57
2. PROVISIONS RESPECTING OFFICERS, OTHER THAN PRESIDING :			
Each house to appoint its own officers.....	5	11	11
The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the General Assembly, etc., to be punishable as may be provided by law ; but part of such punishment to be, disqualification to hold office in this State for a period of five years.....	16	3	46
See, also, in General Index, head of "OFFICERS," under sub-head of <i>General provisions applicable to all public officers.</i>			
3. MESSAGES AND COMMUNICATIONS :			
Governor's messages [see sub-head of REPORTS, below].....	6	8	18
Governor's communications of pardons, etc., granted [see sub-head of REPORTS, below].....	6	18	20
Secretary of State, when required, to lay records, etc., of official acts of Governor, before General Assembly [but see sub-head of REPORTS, below].....	6	21	21
4. PRINTING, AND OTHER EXPENSES :			
Contracts for stationery, printing, paper, fuel, for the use of, to be furnished, and the printing, binding, and distributing, of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, to be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law.....	19	15	57
No member to be in any way interested in contracts described in the above entry.....	19	15	58
5. SUCCESSION OF PRESIDING OFFICERS TO OFFICE OF GOVERNOR, IN CASE OF VACANCY :			
In case of a vacancy in the office of Governor, President of the Senate to perform the duties and exercise the powers of Governor.....	5	18	13
In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability, of the Governor, the powers, duties, and emoluments, of the office, for the remainder of the term, or until the disability be removed, or a Governor elected, to devolve upon and accrue to the President of the Senate.....	6	12	18
In case of impeachment, removal, refusal to qualify, resignation, death, or absence from the State, of President of the Senate, during vacancy in the office of Governor, Speaker of the House of Representatives to administer the government in like manner as provided for President of the Senate.....	6	13	18
In case of vacancy in office of Governor, not happening within twelve months next before expiration of term of office for which the late Governor shall have been elected, President of Senate, or Speaker of House of Representatives, exercising the powers of Governor for the time being, to cause an election to be held, to fill the vacancy.....	6	14	18
6. FIRST SESSION AFTER ADOPTION OF CONSTITUTION :			
First election of Senators and Representatives to the General Assembly, after adoption of Constitution.....	So	3,16,17,19	61,64,65
Returns and certificates of first election for Senators and Representatives, after adoption of Constitution.....	Se	16,17,19	64, 65

GENERAL ASSEMBLY (continued.)	ART.	SEC.	PAGE.
State Board of Supervisors of Election under Schedule, to make out, certify, and deliver to the Speaker of the House of Representatives, an abstract of all votes cast, at the election, for any and all persons, for the office of Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands.....	Se	17	65
Speaker to cast up the votes and announce the names of the persons elected, at election under Schedule, for offices named in the above entry.....	Se	17	65
First session under this Constitution, to commence on the first Tuesday after the second Monday in 1874.....	Se	22	66

DUTIES OBLIGATORY.*

1. GENERAL PROVISIONS:

[For obligations binding on the Government, to protect the fundamental rights and privileges of the citizen, see Art. II of the Constitution, (Declaration of Rights) *passim*.]

2. DUTIES OBLIGATORY UPON THE SENATE, ONLY.

a. In matter of procedure:

Senate, whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, to elect another President from those members whose terms of office continue over.....	5	13	13
--	---	----	----

b. In matters special:

The Senators, at the first session of the Senate, to divide themselves into two classes, by lot—the first class to hold their places for two years only; after which, all to be elected for four years.....	5	3	10
All impeachments to be tried by the Senate.....	15	2	45
In trials of impeachments, if the Chief Justice be impeached, or otherwise disqualified, the Senate to select a presiding officer.. (Procedure in trials of impeachment).....	15	2	45
	15	2	45

3. UPON EACH HOUSE, ACTING IN ITS SEPARATE CAPACITY:

a. In matter of procedure:

Each house:

to appoint its own officers.....	5	11	11
to act as sole judge of the qualifications, returns, and elections, of its own members.....	5	11	11
to keep a journal of its proceedings.....	5	12	12
to cause to be entered on the journals of its proceedings, at the desire of any five members, the yeas and nays on any question.....	5	12	12
to hold its sessions, and those of its committees of the whole, open, unless when the business is such as ought to be kept secret.....	5	13	12
to elect from its members, at the beginning of every regular session, and whenever a vacancy may occur, a presiding officer.....	5	13	12
to cause every bill to be read, at length, on three different days, unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day.....	5	22	33
to cause the vote on the final passage of every bill to be taken by yeas and nays.....	5	22	13
to cause the names of the persons voting for and against every bill, on its final passage, to be entered on its journal.....	5	22	13

For convenience of reference, the duties obligatory upon the two houses in the matter of submission of bills, etc., to the Governor, for his approval, and of reconsideration of such bills, etc., in case of his disapproval, are collated

* In making the division between "duties obligatory" and "powers discretionary," the word "may,"—except in one or two instances where the context renders it beyond question that the provision is mandatory in its nature,—has, for the purposes of this digest, been treated as conveying a discretionary power, only. The decision of its import in each case, rests, of course, with the Legislature and the courts.

INDEX TO CONSTITUTION.

(10)

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Duties Obligatory (continued.)			
under sub-head 4 ("Upon the General Assembly, acting," etc.), below.			
Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, the vote to be taken viva voce, and entered on the journals.....	5	14	12
See, also.....	3	12	9
<i>b. In matters special :</i>			
to publish, from time to time, the journal of its proceedings.....	5	12	12
to enter upon its journals, with the yeas and nays, proposed amendments to the Constitution, which may have been agreed to by a majority of all the members elected to each house.....	19	22	59
4. UPON THE TWO HOUSES, ACTING IN JOINT SESSION :			
Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the vote to be taken viva voce, and entered on the journals.....	5	14	12
See, also.....	3	12	9
Speaker of the House of Representatives, during the first week of the session, to open and publish, in the presence of both houses, the votes cast and given for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, respectively.....	6	3	17
Upon the publication of the votes for Governor, Secretary, Treasurer, Auditor, and Attorney-General, respectively, the person having the highest number of votes for each of the respective offices, to be declared duly elected thereto.....	6	2	17
If two or more persons shall be equal and highest in votes for office of Governor, Secretary, Treasurer, Auditor, or Attorney-General, respectively, one of them to be chosen by the joint vote of both houses, and a majority of all the members elected to be necessary to a choice.....	6	3	17
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined by themembers of both houses in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as thereafter in the Constitution provided in the case of special elections [being the case of special elections to fill vacancies in the office of Governor—See Art. VI, Sec. 14, p. 18.].....	6	4	17
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined at the first session of the General Assembly after the election in which the same shall have arisen.....	6	4	17
5. UPON THE GENERAL ASSEMBLY, ACTING IN THE EXERCISE OF ITS ORDINARY CAPACITY OF LEGISLATION :			
<i>a. In matter of procedure :</i>			
First session, under this Constitution, to commence on the first Tuesday after the second Monday in November, 1874.....	Se	22	66
to meet at the seat of government, every two years, on the first Tuesday after the second Monday in November, until said time be altered by law.....	5	5	10
In reviving, amending, or extending or conferring, the provisions of any law, to re-enact, and publish at length, so much thereof as is revived, amended, extended, or conferred.....	5	23	14
to cause to be presented to the Governor, for his approval, every bill which shall have passed both houses.....	6	15	19
House to which the Governor shall return a bill, with his objections (this being, in all cases, the house in which the bill originated), to enter the objections at largo upon their journal, and proceed to reconsider the bill.....	6	15	19
If, after reconsideration of a bill returned, by the Governor, with his objections, a majority of the number elected to that house shall agree to pass the bill, the bill to be sent, with the objections, to the other house.....	6	15	19
House to which a bill, returned, by the Governor, shall, after reconsideration and approval by the house in which it originated, be transmitted, together with the Governor's objections, to proceed to reconsider the same.....	6	15	19

GENERAL ASSEMBLY— <i>Duties Obligatory</i> (continued.)	ART.	SEC.	PAGE
In reconsideration of bills, etc., returned, by the Governor, disapproved, the votes of both houses to be determined by yeas and nays, and the names of members voting for or against the bill, to be entered on the journals.....	6	15	1
to cause to be presented to the Governor, for his approval, every order or resolution in which the concurrence of both houses may be necessary, except on questions of adjournment.....	6	16	2
Joint or concurrent orders and resolutions, being disapproved by the Governor, to be repassed by both houses [if repassed], according to the rules and limitations prescribed in the case of a bill.....	9	16	2
Item or items, disapproved by the Governor, of bills making appropriations of money, embracing distinct items, to be repassed [if repassed] according to the rules and limitations prescribed for the passage of other bills over the executive veto.....	6	17	2
<i>b. In matters of legislation generally:</i>			
<i>(Actions, Civil:)</i>			
to prescribe for whose benefit actions for damages to be recovered for injuries resulting in death, shall be prosecuted.....	5	32	1
to provide, at next session after adoption of Constitution, manner in which all suits and proceedings relating to sixteenth section lands, or to money due for such lands, shall be transferred to the respective counties where such lands are located.....	7	44	3
<i>(Apportionment:)</i>			
After the enumeration of the inhabitants shall be taken by the U. S. Government, A. D. 1880, the ratio of representation in the House of Representatives to be increased, as in the Constitution, after Art. VIII, Sec. 1, provided [see second entry below], so that the Representatives shall never exceed the number of one hundred (the House, however, never to consist of less than seventy-three members, and each county organized at date of adoption of Constitution to be always entitled to one Representative, the remainder to be apportioned among the several counties according to the number of adult male inhabitants).....	8	1	32
After the U. S. census of 1880, to divide the State, from time to time, into convenient Senatorial districts, in such manner that the Senate shall be based upon the adult male inhabitants of the State; each Senator representing an equal number as near as practicable.....	8	2	35
At the first regular session after each enumeration of the inhabitants of the State, by the Federal or State government, shall have been ascertained (and at no other time), to make the division of the State into Senatorial districts, and apportionment of the Representatives to the several counties.....	8	4	37
<i>(Compensation of public officers:)</i>			
to ascertain, by law, the compensation of Supreme Judges, for their services.....	7	10	24
to ascertain, by law, the compensation of Judges of Circuit Courts, for their services.....	7	18	25
to fix the salaries and fees of all officers of the State.....	16	4	46
to fix, by law, the number and salaries of clerks and employes of the different departments of the State.....	16	4	46
to regulate, by law, in what cases, and what, deductions from the salaries of public officers, shall be made for neglect of duty in their official capacity.....	19	8	58
to establish the salary of Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of State Lands, and Prosecuting Attorneys; not to be increased or diminished during their respective terms, and never to exceed the sums, per annum, respectively, fixed by Art. XIX, Sec. 11 (p. 57).....	19	11	56
to direct, by appropriate legislation, the manner in which all salary, fees, and perquisites, of officers of the State, and of counties, cities, and towns, in excess of five thousand dollars, net profit, per annum, in par funds, shall be paid into the State, county, city, or town treasury.....	19	23	59

INDEX TO CONSTITUTION.

(12)

GENERAL ASSEMBLY—Duties Obligatory, (continued.)	ART.	SEC.	PAGE.
<i>(Corporations:)</i>			
to restrict the powers of cities and incorporated towns, in the matter of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.....	12	3	41
to pass laws to correct abuses and prevent unjust discrimination and excessive charges, by railroad, canal, and turnpike companies, for transporting freight and passengers, and to provide for enforcing such laws by adequate penalties and forfeitures.....	17	10	50
to pass laws enforcing, by suitable penalties, the provisions of Sec. 13 of Art. XVII (providing that the directors of every railroad corporation shall annually make a report, as prescribed by law, under oath, to the Auditor of Public Accounts, of all their acts and doings).....	17	13	50
to provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and to restrict their powers of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power*..	12	3	41
<i>(Finance and Taxation:)</i>			
to prescribe, by law, the manner in which county taxes shall be levied, and appropriations for county expenses made, by the Quorum of the County.....	17	30	27
to provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and to restrict their powers of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power*..	12	3	40
to restrict the powers of cities and incorporated towns, in the matter of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.....	12	3	40
to prescribe manner of publication, from time to time, of an accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account.....	19	12	57
to provide, by general laws, for the support of common schools, by taxes, which shall never exceed in any one year two mills on the dollar on the taxable property of the State, and by an annual per capita tax of one dollar, to be assessed on every male inhabitant of the State over the age of twenty-one years	14	3	44
to provide, from time to time, for the payment of all just and legal debts of the State.....	16	2	46
(by implication) to provide for the taxation, according to its value, of all property subject to taxation.....	16	5	46
to direct the manner in which the taxable property of the State shall be ascertained, making such valuation equal and uniform throughout the State.....	16	5	46
Every law imposing a tax to state distinctly the object of the same.....	16	11	47
<i>(Penal enactments:)</i>			
Part of the punishment to be provided for any officer of the State, or member or officer of the General Assembly, making profit out of public moneys, or using the same for any purpose not authorized by law, to be, disqualification to hold office in this State for a period of five years.....	16	3	46
to pass laws to correct abuses and prevent unjust discrimination and excessive charges, by railroad, canal, and turnpike companies, for transporting freight and passengers, and to provide for enforcing such laws by adequate penalties and forfeitures.....	17	10	50
to pass laws enforcing, by suitable penalties, the provisions of Sec. 13 of Art. XVII (providing that the directors of every railroad corporation shall annually make a report, as prescribed by law, under oath, to the Auditor of Public Accounts, of all their acts and doings).....	17	13	51

*For constitutional restrictions of powers of municipal corporations, see Art. XII, Secs. 4, 5, and 9, pp. 41, 42.

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Duties Obligatory (continued.)			
by suitable enactments, to require such appliances and means to be provided and used, as may be necessary to secure, as far as possible, the lives, health, and safety, of persons employed in mining, and of persons travelling upon railroads and by other public conveyances, and to provide for enforcing such enactments by adequate pains and penalties.....	19	18	58
<i>(Schools:)</i>			
The State ever to maintain a general, suitable, and efficient system of free schools, whereby all persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction.....	14	1	44
to provide, by general laws, for the support of common schools, by taxes, which shall never exceed, in any one year, two mills on the dollar on the taxable property of the State, and by an annual per capita tax of one dollar, to be assessed on every male inhabitant of the State, over the age of twenty-one years.....	14	3	44
to provide for officers in whom shall be vested the supervision of public schools, and to whom shall be confided the execution of the laws regulating the same*.....	14	4	44
<i>(Miscellaneous:)</i>			
to enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.....	2	25	6
(by intendment) to provide the manner in which notice of intention to apply for local and special bills shall be published, in the locality where the matter or thing to be affected may be situated.....	5	26	14
to regulate, by law, the manner of compelling attendance of Quorum of the County.....	7	30	27
to provide the time and mode of scheduling the separate personal property of married women.....	9	8	39
to pass such laws as will foster and aid the agricultural, mining, and manufacturing interests of the State.....	10	1	39
to prevent, by law, the granting of free passes by any railroad or transportation company, to any officer of this State, legislative, executive, or judicial.....	17	7	50
to prohibit, by law, all contracts for a greater rate of interest than ten per centum per annum.....	19	13	57
to prescribe, by law, the maximum price below which, and regulations under which, there shall be given to the lowest responsible bidder, contracts for the furnishing of stationery, printing, paper, fuel, for the use of the General Assembly and other departments of government, for the printing, binding, and distributing, the laws, journals, department reports, and all other printing and binding, and for the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees.....	19	15	57
See, also, for further regulations respecting such contracts..	19	15	58
by suitable enactments, to require such appliances and means to be provided and used, as may be necessary to secure, as far as possible, the lives, health, and safety, of persons employed in mining, and of persons travelling upon railroads, and by other public conveyances, and to provide for enforcing such enactments by adequate pains and penalties.....	19	18	58
to provide, by law, for the support of institutions for the education of the deaf and dumb, and of the blind, and also for the treatment of the insane.....	19	19	58
to provide, by law, the mode of contesting elections in cases not specifically provided for in the Constitution.....	19	24	60
<i>c. In matters special:</i>			
to cause to be published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for Sena-			

*Though the word "may," only, is employed, in the Constitution, in the conferment of this power, its exercise is so obviously indispensable to the execution of the imperative mandate of Section 1, that it has been classed among "duties obligatory."

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Duties Obligatory (continued.)			
tors and Representatives, proposed amendments to the Constitution (not more than three at the same time), which may have been agreed to by a majority of all the members elected to each house.....	19	22	59
Submission, to the people, of proposed amendments to the Constitution.....	19	22	59

POWERS DISCRETIONARY.*

1. GENERAL PROVISIONS :			
General legislative power of the State vested in a General Assembly†.....	5	1	10
2. DISCRETIONARY POWERS VESTED IN THE SENATE, ALONE :			
Advice and consent of the Senate requisite to grant of reprieves and pardons, in cases of treason.....	6	13	20
Advice and consent of the Senate requisite to appointment of State Geologist (when the office shall have been created).....	10	2	40
Powers and duties of the Senate in trials of impeachments	15	1,2	45
3. IN THE HOUSE OF REPRESENTATIVES, ALONE :			
House of Representatives to have the sole power of impeachment Governor, and all State officers, Judges of the Supreme and Circuit Courts, Chancellors, and Prosecuting Attorneys, liable to impeachment for high crimes and misdemeanors, and gross misconduct in office.....	15	2	45
4. IN EACH HOUSE, ACTING IN ITS SEPARATE CAPACITY :			
A smaller number, of either house, than a quorum, may adjourn from day to day.....	5	11	11
A smaller number, of either house, than a quorum, may compel the attendance of absent members, in such manner and under such penalties as such house shall provide.....	5	11	11
Each house has power:			
to determine the rules of its proceedings.....	5	12	11
to punish its members, or other persons, for contempt or disorderly behavior in its presence.....	5	12	11
to enforce obedience to its process.....	5	12	11
to protect its members against violence, or offers of bribes, or private solicitations.....	5	12	11
with the concurrence of two-thirds, to expel a member (but not a second time for the same cause).....	5	12	11
(by intendment) to hold secret sessions of the house itself, or of its committee of the whole, when the business is such as ought to be kept secret	5	13	12
by vote of two-thirds, to suspend the rules so as to have a bill read a second or third time on the same day.....	5	22	13
(by implication) to withhold from publication such parts of the journal of its proceedings, as require secrecy.....	5	12	12
(by intendment) to require the Secretary of State to lay before it his record of all the official acts and proceedings of the Governor, with all papers, minutes, and vouchers, relating thereto.....	6	21	21

*In making the division between "powers discretionary" and "duties obligatory," the word "may,"—except in one or two instances where the context renders it beyond question that the provision is mandatory in its nature,—has, for the purposes of this digest, been treated as conveying a discretionary power, only. The decision of its import in each case, rests, of course, with the Legislature and the courts.

† It follows, from the grant, to the General Assembly, of the general legislative authority, that its powers of legislation are *absolute and unqualified*, except as they may be modified or controlled by the prohibitions, express or implied, of the Constitution of the State, or that of the United States. (For the specific prohibitions imposed upon the several States by the Constitution of the United States, see foot-note to POWERS DENIED, below.)

The special grants of discretionary powers, therefore, contained in the Constitution of the State, are of two classes; first, those forming exceptions to general constitutional prohibitions, and, second (and these make up the bulk of such provisions), those to be considered merely as inviting the particular attention of the Legislature to the subject of the grant.

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Discretionary (continued.)			
at a regular session thereof, to propose amendments to the Constitution (but no more than three at the same time).....	19	22	59
5. IN THE GENERAL ASSEMBLY, ACTING IN THE EXERCISE OF ITS ORDINARY CAPACITY OF LEGISLATION :			
<i>a. In matter of procedure:</i>			
(by implication) may, by general law, alter the time prescribed, by the Constitution, for regular meetings of the General Assembly.....	5	5	10
may, by a vote of two-thirds of the members elected to each house, extend the regular biennial session beyond sixty days' duration.....	5	17	12
may, at the first session under this Constitution, and when impeachments are pending, extend the regular biennial session beyond sixty days, without vote of two-thirds of the members elected to each house (as required in other cases).....	5	17	12
at extraordinary sessions, after disposition of the business set forth in the proclamation of the Governor, may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.....	6	19	20
Governor may, by proclamation 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 contagious disease (the purpose for which they are convened, to be specified in his proclamation, and no other business than that set forth therein, to be transacted, until the same shall have been disposed of).....	6	19	20
In cases of disagreement between the two houses, at a regular or special session, with respect to the time of adjournment, Governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day of their next meeting, and, on account of danger from an enemy or disease, to such other place of safety as he may think proper.....	6	20	21
may, after reconsideration of bill returned, by the Governor, with his objections, in manner prescribed and by vote of a majority of both houses, repass the bill.....	6	15	19
may, according to the rules and limitations prescribed in the case of a bill, repass joint or concurrent orders or resolutions disapproved by the Governor.....	6	16	20
may, according to the rules and limitations prescribed for the passage of other bills over the executive veto, repass item or items, disapproved by the Governor, of appropriation bills.... See under sub-head of <i>Vetoes</i> , special paging (6.)	6	17	20
<i>b. In matters of legislation generally :</i>			
<i>(General provisions :)</i>			
All laws in force at date of Constitution, which are not in conflict or inconsistent with this Constitution, to continue in force until amended or repealed by the General Assembly.....	Sec	1	40
(by implication) may suspend or set aside the law or laws of the State.....	2	12	4
(by implication) may, by general law, suspend the operation of general laws, in cases where the courts have no jurisdiction to grant the powers, or the privileges, or the relief, asked for.....	6	25	14
(by implication) may (under the restrictions imposed by the Constitution, for which see <i>Special legislation</i> , in the General Index) enact special laws, in cases where a general law cannot be made applicable.....	5	25	14
<i>(Appropriations and claims :)</i>			
clothed with sole power to make appropriations of money, to be paid out of the treasury.....	16	12	43
may, by bill passed by two-thirds of the members elected to each branch, appropriate money on claims, the subject-matter of which shall not have been provided for by pre-existing laws....	5	27	14
<i>(Compensation of public officers :)</i>			
may fix, by law, the per diem pay, and mileage, to be received by members, for their services, after expiration of two years			

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Discretionary (continued.)			
from the adoption of this Constitution; Provided, that no member of either house shall, during the term for which he has been elected, receive any increase of pay for his services under any law passed during such term; and Provided further, that it shall provide for no increase of salaries of its members, which shall take effect before the meeting of the next General Assembly.....	5,19,So	16,11,23	12,57,67
may, by bill passed by two-thirds of the members elected to each branch, allow extra compensation to officers, agents, employes, or contractors, after the service shall have been rendered, or the contract made.....	5	27	14
(by implication) may, during the existence of the first General Assembly after the adoption of the Constitution, diminish the compensation of Supreme Judges.....	7	10	24
(by implication) may, during the existence of the first General Assembly after the adoption of the Constitution, diminish the compensation of Judges of the Circuit Courts.....	7	18	25
(by intendment) may provide, by law, the compensation of the County Judge for his services as presiding Judge of the County Court, as Judge of the Court of Probate, and Judge of the Court of Common Pleas, when established.....	7	37	28
(by implication) may, by law, after two years from the adoption of the Constitution, increase (within the maximum limit prescribed by Art. XIX, Sec. 11, p. 56), or diminish, the salaries of State officers, and the per diem and mileage of members of General Assembly, as provided in Section 23 of the Schedule..	So	23	67
<i>(Contracts :)</i>			
may, by bill passed by two-thirds of the members elected to each branch, allow extra compensation to officers, agents, employes, or contractors, after the service shall have been rendered, or the contract made.....	5	27	14
(by intendment) may provide regulations under which there shall be given to the lowest responsible bidder, contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor, or for providing for the care and keeping of paupers, where there are no almshouses.....	19	16	58
(by implication) may provide for distinction between sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the Constitution of 1868; Provided, that the statutes of limitation with regard to sealed and unsealed instruments, in force at that time, continue to apply to all instruments afterwards executed, until altered or repealed.....	So	1	60
<i>(Corporations :)</i>			
may form corporations under general laws; which laws may, from time to time, be altered or repealed.....	12	6	42
(by intendment) may pass special acts conferring corporate powers, for charitable, educational, penal, or reformatory purposes, where the corporations are to be and remain under the patronage and control of the State.....	12	2	41
may alter, revoke, or annul, any charter of incorporation now existing, revocable at the adoption of the Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators...	12	6	42
(by intendment) may enact general laws providing for the increase of the stock or bonded indebtedness of private corporations, under conditions specified, respecting consent of stockholders.....	12	8	42
(by intendment) may prescribe, by law, the manner of ascertainment (by a jury, however, of twelve men, and in a court of competent jurisdiction) of the compensation due the owner for the appropriation of property, or right of way, to the use of corporations.....	12	9	42
may authorize foreign corporations, under the restrictions imposed by Art. XII, Sec. 11 (p. 42), and under such other limitations and restrictions as may be prescribed by law, to do business in this State.....	12	11	42

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Discretionary (continued.)			
(by implication) may remit the forfeiture of charters, alter and amend the same, and pass general and special laws for the benefit of the corporations, on condition that such corporations shall thereafter hold their charters, subject to the provisions of this Constitution.....	17	9	50
(by intendment) may take the property and franchises of incorporated companies, and subject them to public use—the same as the property of individuals.....	17	9	50
(by intendment) may prescribe regulations of responsibility, of all railroads which are now or may be hereafter built and operated, either in whole or in part, in this State, for all damages to persons and property.....	17	12	50
(by intendment) may prescribe, by law, the matters, relating to railroads, required to be included in annual report of directors of railroad corporations to the Auditor of public accounts.....	17	13	51
may delegate the taxing power, with the necessary restrictions, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance, and well-being (but no further).....	2	23	6
may authorize assessments on real property, for local improvements, in towns and cities, under such regulations as may be prescribed by law; to be based upon the consent of a majority, in value, of the property-holders owning property adjoining the locality to be affected (such assessments to be ad valorem, and uniform).....	19	27	60
(by intendment) may authorize counties, cities, towns, or other municipalities, to issue interest-bearing bonds, to provide for and secure payment of the indebtedness existing at date of adoption of Constitution.....	15	1	46
(by implication) may provide for the assumption or payment of debts or liabilities of counties, towns, cities, or other corporations, in case such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.....	12	12	43
may, by general law, designate subordinate municipal or local offices, below the grade of city or county officers, to which election officers may be eligible at an election at which they may serve.....	3	10	9
<i>(Counties :)</i>			
(by implication) may create new counties, and change county-seats, under the restrictions imposed by Art. XIII.....	13	1, 2, 3, 4	43, 44
may (in exception to the general restriction) reduce the counties of Lafayette, Pope, or Johnson, to areas of less than six hundred square miles each, and to areas containing less than five thousand inhabitants each.....	13	1	43
In formation of new counties, the county-seat may be located temporarily, by provisions of law.....	13	3	44
County-seat of Lafayette county an exception to the rule forbidding that the line of any new county shall run within ten miles of the county-seat of the county proposed to be divided may [for the peace of mankind] give to Sebastian county two districts and two county-seats, at which County, Probate, and Circuit Courts, shall be held as may be provided by law; each district paying its own expenses.....	13	4	44
	13	5	44
<i>(Courts—their Creation, Constitution, Abolition, Terms, and Original Jurisdiction:)</i>			
(by intendment) may prescribe, by law, the terms of the Supreme Court.....	7	8	23
when the population of the State shall amount to one million, may, if deemed necessary, increase the number of Judges of the Supreme Court to five.....	7	3	22
(by intendment) may prescribe, by law, regulations for temporary exchange of circuits or courts, by Judges of Circuit Courts.....	7	22	26
(by intendment) may prescribe, by law, the terms of County Courts.....	7	31	28
(by intendment) may change the arrangement, by the Constitution provided, of judicial circuits.....	18	..	51

GENERAL ASSEMBLY— <i>Powers Discretionary</i> (continued.)	ART.	SEC.	PAGE.
(by intendment) may change the terms of the several Circuit Courts, from the respective times of holding prescribed in the Constitution.....	13	..	51
(by intendment) may abolish the Pulaski Chancery Court.....	7	44	30
(by intendment) may transfer to other courts the business pending, at the date of adoption of the Constitution, in the Pulaski Chancery Court.....	7	44	30
See, also, <i>Court, Pulaski Chancery.</i>			
may, when deemed expedient, establish Separate Courts of Chancery.....	7	1, 15	22, 24
(by intendment) may prescribe, by law, the exclusive original jurisdiction of Courts of Probate, in matters relative to the probate of wills, the estates of deceased persons, executors, guardians, and persons of unsound mind, and their estates.....	7	34	28
(by intendment) may prescribe, by law, the regular terms of the Courts of Probate.....	7	34	28
may authorize the Judge of the County Court of any one or more counties to hold, severally, a quarterly Court of Common Pleas in their respective counties, and may vest, in such court, such jurisdiction, in matters of contract and other civil matters, not involving title to real estate, as it may deem proper.....	7	32	28
may vest such jurisdiction as may be deemed necessary, in Municipal Corporation Courts, and in Courts of Common Pleas, where established.....	7	1	22
may invest Corporation Courts, for towns and cities, with jurisdiction concurrent with Justices of the Peace, in civil and criminal matters.....	7	43	30
may invest such Corporation Courts as it may deem expedient, with jurisdiction of any criminal offences not punishable by death or imprisonment in the penitentiary, with or without indictment, as may be prescribed by law.....	7	43	30
(by implication) may make such offences, in the grade of misdemeanor [see Art. VII, Sec. 40, p. 29], as they may see fit, cognizable by Justices of the Peace, and courts of similar jurisdiction.....	2	8	3
(by intendment) may prescribe, by law, the jurisdiction of Justices of the Peace, in misdemeanors.....	7	40	29
For discretionary powers in matter of practice, including the subject of appellate jurisdiction, see sub-head of " <i>Practice</i> " below.			
For discretionary powers in matter of salaries of Judges, see sub-head of " <i>Compensation of public officers</i> ," above.			
<i>(Finance and Taxation:)</i>			
The State's ancient right of eminent domain, and of taxation, is in the Constitution fully and expressly conceded.....	2	23	6
May delegate the taxing power, with the necessary restrictions, to the State's subordinate political and municipal corporations, to the extent of providing for their existence, maintenance, and well-being (but no further).....	2	23	6
may, by general law, exempt from taxation, for the term of seven years from ratification of the Constitution, the capital invested in any or all kinds of mining and manufacturing business in the State, under such regulations and restrictions as may be prescribed by law.....	10	3	40
may, by general law, authorize school districts to levy, by a vote of the qualified electors of such district, a tax, not to exceed five mills on the dollar, in any one year, for school purposes; Provided, further, that no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.....	14	3	45
(by intendment) may authorize counties, cities, towns, or other municipalities, to issue interest-bearing bonds, to provide for and secure payment of the indebtedness existing at date of adoption of Constitution.....	16	1	46
may, from time to time, tax hawkers, peddlers, ferries, exhibitions, and privileges, in such manner as may be deemed proper.....	16	5	47

	ART.	SEC.	PAGE.
<i>GENERAL ASSEMBLY—Powers Discretionary (continued.)</i>			
No moneys arising from a tax levied for one purpose, to be used for any other purpose.....	16	11	47
clothed with sole power to make appropriations of money, to be paid out of the treasury.....	16	12	48
may authorize assessments on real property for local improvements in towns and cities, under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property-holders owning property adjoining the locality to be affected (such assessments to be ad valorem, and uniform).....	19	27	66
<i>(Militia:)</i>			
(by intendment) may provide, by law, the manner of organization, officering, arming, equipment, and training, of the militia.....	11	1	40
(by intendment) may permit exemptions from militia service...	11	1	40
(by intendment) may provide manner of formation of volunteer companies of infantry, cavalry, or artillery, and restrictions thereon.....	11	2	40
(by intendment) may call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection, and preserve the public peace.....	11	4	40
(by intendment) may authorize the manner in which the Governor may, when the General Assembly is not in session, call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection, and preserve the public peace	11	4	40
<i>(Penal enactments:)</i>			
(by implication) may provide for forfeiture or impairment of right of suffrage, for commission of a felony at common law, upon lawful conviction thereof.....	3	2	7
may provide punishment for any officer of the State, or member or officer of the General Assembly, making profit out of public moneys, or using the same for any purpose not authorized by law; part of such punishment to be, disqualification to hold office in this State, for a period of five years.....	16	3	46
(by intendment) may prescribe punishment, additional to that prescribed by the Constitution, for participation in a duel.....	19	2	55
<i>(Practice—including Appellate Jurisdiction:)</i>			
may, from to time, prescribe restrictions upon appellate jurisdiction of Supreme Court.....	7	4	22
(by intendment) may prescribe, by law, the manner of appeal from Circuit Courts to Supreme Court, in matters of equity...	7	15	24
(by intendment) may prescribe, by law, restrictions and regulations for appeals from judgments of County Courts, or Courts of Common Pleas, when established, to the Circuit Court.....	7	33	28
(by intendment) may provide, by law, the manner in which orders for injunctions and other provisional writs, issued by County Judges in the absence of the Circuit Judge from the county, may be reviewed by superior judges in vacation.....	7	37	29
(by intendment) may provide, by law, regulations for appeals from the final judgments of the Justices of the Peace, to the Circuit Courts.....	7	42	30
(by intendment) may prescribe, by law, the manner in which the venue, in criminal prosecutions, may be changed, upon the application of the accused, to any other county of the judicial district in which the indictment may be found.....	2	10	4
(by implication) may suspend privilege of writ of habeas corpus, in case of rebellion, insurrection, or invasion, when the public safety may require it.....	2	11	4
(by intendment) may prescribe, by law, the degree of consanguinity or affinity, connecting them with parties to actions, which shall disqualify Judges and Justices from presiding at trial.....	7	20	25
may regulate, by law, the punishment of contempts, not committed in the presence or hearing of the courts, or in disobedience of process.....	7	26	27
(by intendment) may provide, by law, regulations and restrictions for the issue, hearing, and determination, of writs of habeas corpus, by County Judges, in the absence of the Circuit Judge from the county.....	7	37	29

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Discretionary (continued.)			
(by intendment) may prescribe the manner in which a jury trial may be waived by the parties, in cases at law.....	2	7	3
may alter or repeal Sec. 2 of the Schedule (relating to competency of witnesses in civil actions).....	Se	2	61
<i>(Public officers—except as regards matter of their compensation:)</i>			
may provide, by law, the mode of deciding contested elections for the office of Governor, in case of special elections to fill vacancy.....	6	14	19
(by intendment) may prescribe, by law, the duties of Treasurer of State, Secretary of State, Auditor of State, and Attorney General.....	6	22	21
may provide, by law, for the establishment of the office of Commissioner of State Lands.....	6	1	16
may, at its next session after the adoption of the Constitution, abolish the office of Commissioner of State Lands, or continue the same in such manner as may be prescribed by law.....	Se	24	66
(by intendment) may prescribe duties of Sheriffs, Coroners, County Treasurers, and County Surveyors.....	7	46	31
(by intendment) may provide, by law, for alteration or repeal of provision making the Sheriff of each county ex-officio collector of taxes.....	7	46	31
(by intendment) may prescribe the places at which district, county, and township officers shall keep their offices within their respective districts.....	19	4	56
may create a bureau to be known as the Mining, Manufacturing, and Agricultural Bureau.....	10	1	39
may, when deemed expedient, create the office and prescribe the term of office, duties, and compensation, of a State Geologist, under conditions of appointment and removal prescribed.....	10	2	40
For removal of State Executive officers, upon address, see under sub-head "c. <i>In matters special,</i> " below.			
For compensation of public officers, see under that sub-head, above.			
<i>(Schools:)</i>			
may, by general law, authorize school districts to levy, by a vote of the qualified electors of such district, a tax, not to exceed five mills on the dollar, in any one year, for school purposes; Provided, further, that no such tax shall be appropriated to any other purpose, nor to any other district than that for which it was levied.....	14	3	45
<i>(Miscellaneous:)</i>			
(by implication) may provide manner of quartering soldiers, in time of war, in houses or premises, without the consent of the owner.....	2	27	7
Right of eminent domain.....	2,17	23,9	6,50
may, by law, fix a different time for general elections, from that prescribed in the Constitution (viz., the first Monday in September).....	3	8	8
(by intendment) may prescribe rules and regulations respecting grants of reprieve, commutations of sentence, and pardons, after conviction, and remission of fines and forfeitures.....	6	18	20
(by intendment) may alter the Seal of the State.....	19	25	60
may direct the time and manner of revision, digesting, arrangement, publication, and promulgation, of the laws of the State, civil and criminal.....	19	17	58
<i>c. In matters special:</i>			
may, for good cause, and by vote of two-thirds of the members elected to each house, address the Governor for the removal of the Auditor, Treasurer, Secretary of State, Attorney General, Judges of the Supreme and Circuit Courts, Chancellors, or Prosecuting Attorneys.....	15	3	45



GENERAL ASSEMBLY (continued.)

ART. SEC. PAGE.

POWERS DENIED.*

1. GENERAL PROVISIONS :

[For powers denied to the Government, as in contravention of the fundamental rights and privileges of the citizen, see Art. II of the Constitution (Declaration of Rights) (p.2), *passim*. Art. IV (Departments) (p.9) prohibits, to either of the three departments of the government, or to any person, or collection of persons, being of one of those departments, the exercise of any power belonging to either of the others, except in the instances thereafter, in the Constitution, expressly directed or permitted.

See, also, Art. III (Franchise and Elections) (p.7), for further checks upon the powers of the Government.]

Everything contained in the Declaration of Rights (Art. II), excepted out of the general powers of the government, and forever to remain inviolate.....

2 29 7

All laws contrary to the provisions of the Declaration of Rights (Art. II), or to the other provisions contained in the Constitution, to be void.....

2 29 7

For an enumeration of certain of the more specific constitutional prohibitions of interference with the rights and privileges of the citizen, see, under head of "6. TO THE GENERAL ASSEMBLY," etc., sub-heads of "b. In matters of legislation generally"—" (Rights, Privileges, etc.)," below.

*Other powers than these here enumerated are, of course, by implication, denied the General Assembly, by every positive enactment of the Constitution. These must be sought, each under its proper head, in the General Index.

In addition, however, to the prohibitions imposed, by the Constitution of the State, upon the action of the General Assembly, or, rather, before them, are the restrictions laid, by the Constitution of the United States, upon the powers of the States.

"This Constitution, and the laws of the United States which shall be made in pursuance thereof : and all treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land : and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding." (Constitution of the U. S., Art. VI, Sec. 2.)

The powers prohibited to the States by the original Constitution (omitting the consideration of such as grow, by implication, out of positive enactments imposing duties) are divisible into three classes : (1) Where the Constitution in express terms grants an exclusive authority to the Union; (2) where it grants, in one instance, an authority to the Union, and in another prohibits the States from exercising the like authority; and (3) where it grants an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant. (The Federalist, No. 44.)

To these may now be added a fourth class, embraced in the Amendments to the Constitution, where certain powers are at once renounced by the National Government, and prohibited to the States.

The enumeration, in this place, of the implied restrictions, subjects, as they are, of difference and discussion coeval with the institution of the Government, and doubtless to continue while the Government shall endure, is impracticable. The express prohibitions upon the powers of the States are as follows :

"No state shall (1) enter into any treaty, alliance, or confederation; (2) grant letters of marque and reprisal; (3) coin money; (4) emit bills of credit; (5) make any thing but gold and silver coin a tender in payment of debts; (6) pass any bill of attainder, (7) *ex post facto* law, or (8) law impairing the obligation of contracts, or (9) grant any title of nobility.

"No state shall, without the consent of the congress, (10) lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be subject to the revision and control of the congress.

"No state shall, without the consent of congress, (11) lay any duty of tonnage, (12) keep troops, or ships of war in time of peace, (13) enter into any agreement or compact with another state, or (14) with a foreign power, or (15) engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." (Art. I, Sec. 10.)

(16) "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." (Amendments, Art. XIII.)

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall (17) make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state (18) deprive any person of life, liberty, or property, without due process of law, nor (19) deny to any person within its jurisdiction the equal protection of the laws." (Amendments, Art. XIV, Sec. 1.)

"Neither the United States nor any state shall (20) assume or pay any debt or obligation incurred in aid of insurrection, or rebellion against the United States, or (21) any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void." (Amendments, Art. XIV, Sec. 4.)

(22) "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color or previous condition of servitude." (Amendments, Art. XV, Sec. 1.)

ART. SEC. PAGE.



GENERAL ASSEMBLY—Powers Denied (continued.)

2. POWERS SPECIFICALLY DENIED TO THE SENATE:

[The prohibitions imposed upon the Government, in the matter of the rights and privileges of the citizen, and as safeguards of his person, property, and liberty of opinion, are, of course, binding upon every individual branch of the government, acting in its separate capacity: For these, see "1. GENERAL PROVISIONS," above, and, under head of '6. TO THE GENERAL ASSEMBLY," etc., sub-heads of "b. In matters of legislation generally"—"(Rights, Privileges, etc.," below.]

Sole power of impeachment to be in House of Representatives.....	15	2	45
In trials of impeachments, no person to be convicted without the concurrence of two-thirds of the members of the Senate.....	15	2	45
Judgment in cases of impeachment to go no further than removal from office and disqualification to hold any office of honor, trust, or profit, under this State.....	15	1	45

3. POWERS DENIED TO THE HOUSE OF REPRESENTATIVES:

[See first entry under head "2. POWERS SPECIFICALLY DENIED TO THE SENATE," above.]

4. TO EITHER HOUSE, ACTING IN ITS SEPARATE CAPACITY:

a. In matter of procedure:

The right of the people to petition, by address or remonstrance, the government, or any department thereof, never to be abridged.....	2	4	3
No new bill to be introduced into either house, during the last three days of the session.....	5	34	16
Neither house shall:			
adjourn, without the consent of the other, for more than three days.....	5	28	15
adjourn, without the consent of the other, to any other place than that in which the two houses shall be sitting.....	5	28	15
so alter or amend any bill, on its passage, as to change its original purpose.....	5	21	13
(by intendment) dispense with the reading of any bill at length, upon either of its readings.....	5	22	13
unless the rules be suspended by two-thirds of the house, cause a bill to receive more than one reading on the same day.....	5	22	13
pass any local or special bill, unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated; such notice to be, at least, thirty days prior to the introduction, into the General Assembly, of such bill, and in the manner to be provided by law; the evidence of such notice having been published, to be exhibited in the General Assembly, before such act shall be passed.....	5	26	14

b. In matters special:

Neither house may expel a member a second time for the same cause.....	5	12	11
Neither house to propose more than three amendments to the Constitution at the same time.....	19	22	59

5. TO THE TWO HOUSES, ACTING IN JOINT SESSION:

[See first entry under head "2. POWERS SPECIFICALLY DENIED TO THE SENATE," above.]

6. TO THE GENERAL ASSEMBLY, ACTING IN THE EXERCISE OF ITS ORDINARY CAPACITY OF LEGISLATION:

a. In matter of procedure:

The right of the people to petition, by address or remonstrance, the government, or any department thereof, never to be abridged.....	2	4	3
not to pass any law except by bill.....	5	21	13
not (except at its first session under this Constitution, or when impeachments are pending) to extend its regular biennial sessions beyond sixty days, unless by a vote of two-thirds of the members elected to each house.....	5	17	12
No bill to become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the persons voting for and against the same entered on the journal, and a majority of each house recorded thereon as voting in its favor.....	5	22	13

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Denied (continued.)			
No law to be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, to be re-enacted and published at length.....	5	23	14
(by implication) cannot be adjourned by the Governor, in case of disagreement between the two houses, at a regular or special session, with respect to the time of adjournment, unless the fact of such disagreement be certified to him by the presiding officers of the two houses; and then to a time not beyond the day of their next meeting, or, except on account of danger from an enemy or disease, to any place other than that in which the houses shall be sitting.....	6	20	21
At extraordinary sessions, no business to be transacted other than that set forth in the proclamation of the Governor, convening the same.....	6	19	21
<i>b. In matters of legislation generally:</i> (Rights, Privileges, etc. :)			
[For general prohibitions, to the Government, of the exercise of power in contravention of the fundamental rights of the citizen and the principles of the Constitution, see head "1. GENERAL PROVISIONS," above. The provisions given below under this sub-head, are selected, chiefly from the Declaration of Rights, as embracing the more specific prohibitions in this nature.]			
The equality of all men before the law, ever to remain inviolate.....	2	3	2
No citizen ever to be deprived of any right, privilege, or immunity, or exempted from any burden or duty, on account of race, color, or previous condition.....	2	3	2
The right of the people peaceably to assemble, to consult for the common good, never to be abridged.....	2	4	3
The right of the people to petition, by address or remonstrance, the government, or any department thereof, never to be abridged.....	2	4	3
The citizens of this State to have the right to keep and bear arms for the common defence.....	2	5	3
The liberty of the press to forever remain inviolate.....	2	6	3
All persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such right.....	2	6	3
The right of the people of the State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, not to be violated.....	2	15	5
No person to be imprisoned for debt, in any civil action, on mesne or final process.....	2	16	5
not to grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.....	2	18	5
not to grant perpetuities or monopolies.....	2	19	5
not to grant or confer any hereditary emoluments, privileges, or honors.....	2	19	5
not to make any distinction, by law, between resident aliens and citizens, in regard to the possession, enjoyment, or descent, of property.....	2	20	5
Private property not to be taken, appropriated, or damaged, for public use, without just compensation therefor.....	2	22	6
not to give any preference, by law, to any religious establishment, denomination, or mode of worship, above any other.....	2	24	6
No man to be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent....	2	24	6
No religious test ever to be required of any person as a qualification to vote or hold office, nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein to be construed to dispense with oaths or affirmations.....	2	26	6
Slavery, and involuntary servitude, except as a punishment for crime, prohibited.....	2	27	6
(by implication) not to authorize assessments on real property, for local improvements, elsewhere than in towns or cities, or not based upon the consent of a majority, in value, of the property-holders owning property adjoining the locality to be affected, or other than ad valorem and uniform.....	19	27	60

INDEX TO CONSTITUTION.

(24)

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Denied (continued.)			
not to pass bill of attainder, ex post facto law, or law impairing the obligation of contracts.....	2	17	5
not to suspend privilege of writ of habeas corpus, except in case of rebellion, insurrection, or invasion, when the public safety may require it.....	2	11	4
No person to be taken or imprisoned, or disseized of his estate, freehold, liberties, or privileges, or outlawed, or in any manner destroyed, or deprived of his life, liberty, or property, except by the judgment of his peers or the law of the land.....	2	21	5
(by implication) not to abolish, or, except in cases such as shall be made cognizable by Justices of the Peace, and courts of similar jurisdiction, to modify, the grand-jury system.....	2	8	3
Right of trial by jury to remain inviolate.....	2	7	3
Right of trial by jury to extend to all cases at law, without regard to the amount in controversy (but a jury trial may be waived by the parties, in all cases, in the manner prescribed by law.....	2	7	3
Limitations on the law of libel.....	2	6	3
Limitations on the law of treason.....	2	14	4
For further rights of accused in criminal prosecutions,—not to be abridged by statutory enactment,—see.....	2	8, 9, 10, 11	3, 4
(Apportionment:)			
not to make apportionment increasing the number of members of the House of Representatives to more than one hundred, or reducing it below seventy-three.....	8	1	32
not so to divide the State into Senatorial districts that the Senate shall consist of less than thirty or more than thirty-five members.....	8	2	35, 37
Senatorial districts at all times to consist of contiguous territory, and no county to be divided in the formation of a Senatorial district.....	8	3	37
not to make division of the State into Senatorial districts, or apportionment of Representatives to the several counties, at any other time than at the first session after each enumeration of the inhabitants of the State, by the Federal or State government.....	8	4	37
(Appropriations:)			
No appropriations to be made except by law.....	5, 17	29, 12	15, 48
not to appropriate any money on any claim, the subject-matter of which shall not have been provided for by pre-existing laws, unless such claim be allowed by bill passed by two-thirds of the members elected to each branch.....	5	27	14
not to make appropriation other than specific, or without distinctly stating, in the bill, the purpose of the appropriation, and specifying, in dollars and cents, the maximum amount which may be drawn.....	5	29	15
not to make appropriations for longer period than two years....	5	29	15
General appropriation bill to embrace nothing but appropriations for the ordinary expense of the executive, legislative, and judicial departments of the State.....	5	30	15
not to make appropriations other than for ordinary expenses of the executive, legislative, and judicial departments of the State, except by separate bills, each embracing but one subject.....	5	30	15
(Compensation of public officers:)			
(by implication) not to pass any law providing for an increase of pay of any member of either house, for his services, during the term for which such member shall have been elected.....	5	16	12
not to allow extra compensation to any officer, agent, employe, or contractor, after the service shall have been rendered, or the contract made, unless such compensation be allowed by bill passed by two-thirds of the members elected to each branch....	5	27	14
not, after the adjournment of the next General Assembly after the adoption of the Constitution, to diminish the compensation of Supreme Judges, during the time for which they shall have been elected.....	7	10	24
not, after the adjournment of the first session of the General Assembly, to diminish the compensation of Judges of Circuit Courts, during the time for which they are elected.....	7	18	25

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Denied (continued.)			
not to increase or diminish, during their respective terms, the salaries of Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judges of the Supreme Court, Judges of the Circuit Court, Commissioner of State Lands, or Prosecuting Attorneys.....	19	11	56
not to provide salaries, for the officers named in the preceding entry, exceeding the sums respectively prescribed in Art. XIX, Sec. 11 (p. 57).....	19	11	56
to provide for no increase of the salaries of its members, which shall take effect before the meeting of the next General Assembly.....	19	11	57
not to increase or diminish, during the period of two years from the adoption of the Constitution, the salaries of State officers, or per diem and mileage of members of the General Assembly, as prescribed in Sec. 28 of the Schedule.....	So	28	67
<i>(Contracts :)</i>			
not to pass bill of attainder, ex post facto law, or law impairing the obligation of contracts.....	2	17	5
not to allow extra compensation to any officer, agent, employe, or contractor, after the service shall have been rendered, or the contract made, unless such compensation be allowed by bill passed by two-thirds of the members elected to each branch....	5	27	14
not, so far as regards contracts made before the time of the adoption of the Constitution of 1868, to alter or repeal any laws exempting property from sale on execution or by decree of a court, which were in force at that time.....	So	1	60
<i>(Corporations :)</i>			
to pass no special act conferring corporate powers, except for charitable, educational, penal, or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the State.....	12	2	41
not to remit the forfeiture of the charter of any corporation existing at date of adoption of Constitution, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter, subject to the provisions of this Constitution.....	17	8	50
The exercise of the right of eminent domain never to be abridged, or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use—the same as the property of individuals.....	17	9	50
not to pass any local or special bill suspending the operation of any general law for the benefit of any particular individual, corporation, or association.....	5	25	14
not, by any contract or grant to which the State may be a party, to surrender or suspend the power to tax corporations and corporate property.....	16	7	47
Except as provided in the Constitution, no law to be passed making the State a stockholder in, or subscriber to, or interested in, the stock of any corporation or association.....	12	7	42
(by implication) not, by special law, to authorize the increase of the stock or bonded indebtedness of any private corporation.....	12	8	42
(by intendment) not to authorize the appropriation, to the use of any corporation, of property or right of way, until full compensation therefor shall first be made to the owner, in money, or first secured to him by a deposit of money (such compensation to be ascertained in manner prescribed).....	12	9	42
For constitutional conditions attached to the grant of corporate franchise to railroad, canal, and turnpike companies (and, in particular instances, those attached to such grant to other transportation companies), see Art. XVII, (p. 48 et seq.), <i>passim</i> . The two following provisions may be selected, as instances of more express restriction upon legislative action:			
Any association or corporation, organized for the purpose, to have the right to construct and operate a railroad between any points within this State, and to connect, at the State line, with railroads of other States.....	17	1	48

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Denied (continued.)			
to pass no law exempting from execution and sale the rolling stock or other movable property belonging to any railroad company or corporation in this State.....	17	11	50
not to exchange, transfer, remit, postpone, or in any way diminish, any obligation or liability of any railroad, or other corporation, held or owned by the State.....	5	33	15
not to cause to be released any liability or obligation of any railroad, or other corporation, held or owned by the State, except by payment thereof into the State treasury.....	5	33	15
not to provide for the release of the indebtedness of any corporation to the State, or for discharging the same in any manner save by payment into the public treasury.....	12	12	43
Restrictions upon powers, privileges, and franchises, of foreign corporations which may be authorized to do business in this State.....	12	11	42
not to delegate the taxing power to the State's subordinate political and municipal corporations, beyond the extent of providing for their existence, maintenance, and well-being.....	2	23	6
not, except as in the Constitution otherwise provided, to provide for the assumption or payment, by the State, of the debt or liability of any county, town, city, or corporation, whatever, or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.....	12	12	43
<i>(Counties :)</i>			
not to reduce any county, established at date of adoption of Constitution, to an area of less than six hundred square miles, nor to less than five thousand inhabitants, nor to establish any new county with less than six hundred square miles and five thousand inhabitants; Provided, that this prohibition shall not apply to the counties of Lafayette, Pope, and Johnson, nor be so construed as to prevent the General Assembly from changing the line between the counties of Pope and Johnson.....	13	1	43
not to take off any part of a county to form a new county, or a part thereof, without the consent of a majority of the voters in such part proposed to be taken off.....	13	2	43
not to establish or change any county-seat, without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county-seat shall be fully designated; Provided, that in formation of new counties, the county-seat may be located temporarily, by provisions of law.....	13	3	44
In the formation of new counties, no line thereof to run within ten miles of the county-seat of the county proposed to be divided, except the county-seat of Lafayette county.....	13	4	44
<i>(Elections :)</i>			
not to interfere to prevent the free exercise of the right of suffrage.....	3	2	7
not to enact any law whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name.....	3	2	7
not to enact any law whereby the right to vote at any election shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.....	3	2	7
<i>(Finance and Taxation :)</i>			
not (with exceptions stated) to tax any one species of property from which a tax may be collected, higher than any other species of property of equal value.....	16	5	47
not to levy State tax or make appropriation of money, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses.....	5	31	15
not to levy State taxes, for any one year, to exceed, in the aggregate, one per cent. of the assessed valuation of the property of the State.....	16	8	47
not to delegate the taxing power to the State's subordinate political and municipal corporations, beyond the extent of providing for their existence, maintenance, and well-being.....	2	23	6

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY— <i>Powers Denied</i> (continued.)			
(by implication) not to authorize assessments on real property, for local improvements, elsewhere than in towns or cities, or not based upon the consent of a majority, in value, of the property-holders owning property adjoining the locality to be affected, or other than ad valorem and uniform.....	19	27	60
not to levy any general tax, for the support of common schools, to exceed in any one year two mills on the dollar on the taxable property of the State.....	14	3	44
not to authorize school districts to levy, in any one year, for school purposes, any tax to exceed five mills on the dollar.....	14	3	45
not to appropriate any special school district tax to any other purpose, nor to any other district than that for which it was levied.....	14	3	45
not to tax :			
1. Public property used exclusively for public purposes :			
2. Cemeteries used exclusively as such :			
3. School buildings and apparatus :			
4. Libraries and grounds used exclusively for school purposes :			
5. Buildings, grounds, and materials, used exclusively for public charity.....	16	5	47
not, by any contract or grant to which the State may be a party, to surrender or suspend the power to tax corporations and corporate property.....	16	7	47
All laws exempting property from taxation, other than as provided in the Constitution, to be void.....	16	6	47
No moneys arising from a tax levied for one purpose, to be used for any other purpose.....	16	11	47
(by implication) not to appropriate any money or property belonging to the public school fund, or to the State, for the benefit of schools or universities, for any other than the respective purposes to which it belongs.....	14	2	44
Never to loan the credit of the State for any purpose whatever..	16	1	46
not to pass any act authorizing the issue of bills, notes, or other paper which may circulate as money.....	12	10	42
State never to issue any interest-bearing warrants or scrip.....	16	1	46
not to cause to be released any liability or obligation of any railroad, or other corporation, held or owned by the State, except by payment thereof into the State treasury.....	5	33	15
not to exchange, transfer, remit, postpone, or in any way diminish, any obligation or liability of any railroad, or other corporation, held or owned by the State.....	5	33	15
not to provide for the release of the indebtedness of any corporation to the State, or for discharging the same in any manner save by payment into the public treasury.....	12	12	43
not, except as in the Constitution otherwise provided, to provide for the assumption or payment, by the State, of the debt or liability of any county, town, city, or corporation, whatever, or any part thereof; unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.....	12	12	43
except as provided in the Constitution, no law, to be passed making the State a stockholder in, or subscriber to, or interested in, the stock of any corporation or association.....	12	7	42
<i>(Penal enactments :)</i>			
not to pass bill of attainder, ex post facto law, or law impairing the obligation of contracts.....	2	17	5
not, under any circumstances, to authorize the exile of any person from the State.....	2	21	6
<i>(Practice :)</i>			
(by implication) not to suspend privilege of writ of habeas corpus, except in case of rebellion, insurrection, or invasion, when the public safety may require it.....	2	11	4
not to pass any law making the State of Arkansas defendant in any of her courts.....	5	20	13
not to pass any local or special bill changing the venue in criminal cases.....	5	24	14
not to limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property.....	5	32	15

	ART.	SEC.	PAGE.
GENERAL ASSEMBLY—Powers Denied (continued.)			
to pass no law exempting from execution and sale the rolling stock or other movable property belonging to any railroad company or corporation in this State.....	17	11	50
not, so far as regards contracts made before the time of the adoption of the Constitution of 1868, to alter or repeal any laws exempting property from sale on execution or by decree of a court, which were in force at that time.....	Se	1	60
See, also, for prohibitions in matter of practice in criminal prosecutions, the last six entries under sub-head of " <i>(Rights, Privileges, etc.)</i> ," above.			
<i>(Public officers—except as regards matter of their compensation.)</i>			
not to create any permanent State office, not expressly provided for by this Constitution.....	19	9	56
<i>(Schools :)</i>			
(by implication) not to appropriate any money or property belonging to the public school fund, or to the State, for the benefit of schools or universities, for any other than the respective purposes to which it belongs.....	14	2	44
not to levy any general tax, for the support of common schools, to exceed in any one year two mills on the dollar on the taxable property of the State.....	14	3	44
not to authorize school districts to levy, in any one year, for school purposes, any tax to exceed five mills on the dollar.....	14	3	45
not to tax school buildings, or apparatus, or libraries or grounds used exclusively for school purposes.....	16	5	47
<i>(Special legislation* :)</i>			
not to pass any local or special law :			
1. Changing the venue in criminal cases.....	5	24	14
2. Changing the names of persons.....	5	24	14
3. Adopting children.....	5	24	14
4. Legitimizing children.....	5	24	14
5. Granting divorces.....	5	24	14
6. Vacating roads, streets, or alleys.....	5	24	14
7. In any case where a general law can be made applicable...	5	25	14
8. Suspending the operation of any general law for the benefit of any particular individual, corporation, or association...	5	25	14
9. Where the courts have jurisdiction to grant the powers, or privileges, or the relief, asked for.....	5	25	14
10. Unless notice of the intention to apply for the local or special bill shall have been published, in the locality where the matter or the thing to be affected may be situated; such notice to be, at least, thirty days prior to the introduction, into the General Assembly, of such bill, and in the manner to be provided by law; the evidence of such notice to be exhibited, in the General Assembly, before such act shall be passed.....	5	26	14
<i>See note at foot of page.</i>			
<i>(Miscellaneous :)</i>			
No standing army to be kept in time of peace.....	2	27	6
Feudal tenures, with all their incidents, prohibited.....	2	28	7
not to authorize any lottery, or allow the sale of lottery tickets.....	19	14	57
For provisions forbidding special legislation upon a miscellaneous class of subjects, see under sub-head of " <i>(Special legislation)</i> " above.			
<i>c. In matters special :</i>			
(by intendment) not to change the seat of government from Little Rock, where it is now established.....	1	..	2
not to propose, or submit to the people, more than three amendments to the Constitution, at the same time.....	19	22	59
For restrictions in cases of impeachment, see under " <i>2. POWERS SPECIFICALLY DENIED TO THE SENATE,</i> " above.			

*The entries here given are only those of the two sections of the Constitution, devoted to specific prohibitions and restrictions of special legislation. For a collation of all the provisions touching the subject, either directly or by implication, see SPECIAL LEGISLATION, in the General Index.

GENERAL ASSEMBLY—(continued.)

ART. SEC. PAGE.

REPORTS TO GENERAL ASSEMBLY.

BY GOVERNOR:

in form of message, from time to time, and at close of official term to the next General Assembly, giving information concerning the condition and government of the State, and recommending for their consideration such measures as he may deem expedient.....	6	8	18
at every regular session, of each case of reprieve, commutation, or pardon, with his reasons therefor; stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve.....	6	18	20

BY SECRETARY OF STATE:

Secretary of State, when required, to lay his record (to be an accurate and full one) of the official acts and proceedings of the Governor, with all papers, minutes, and vouchers, relating thereto, before either branch.....	6	21	21
See, also, <i>Senate, and Senators, Representatives, House of, and Representatives, President of the Senate, Speaker, Bills, Impeachments, Journals, Joint Sessions, Special legislation, Votes, Yeas and Nays, etc., etc.*</i>			

[NOTE.]

*A GUIDE TO THE CONTENTS
OF THE DIGEST OF CONSTITUTIONAL PROVISIONS RESPECTING THE
GENERAL ASSEMBLY.

[The paging referred to is the special paging (in parenthesis) of this particular portion of the Index]

TITLES.	PAGE OF INDEX.	TITLES.	PAGE OF INDEX.
CONSTITUTION, ETC., OF GENERAL ASSEMBLY.....	(1)	10. <i>Elections in General Assembly</i>	(6)
1. <i>General provisions</i>	(1)	11. <i>Special proceedings</i>	(6)
2. <i>Senate</i>	(1)	12. <i>Determination of result of elections for executive officers of State</i>	(7)
3. <i>House of Representatives</i>	(2)	MISCELLANEOUS.....	(7)
4. <i>Vacancies</i>	(2)	1. <i>Provisions respecting members</i>	(7)
5. <i>Preliminaries to organization</i>	(2)	a. <i>Privilege</i>	(7)
6. <i>Qualifications of members</i>	(2)	b. <i>Corruption, and other criminal conduct</i>	(7)
Disqualifications.....	(2)	c. <i>Ineligibility to other offices</i>	(8)
7. <i>Compensation of members</i>	(3)	d. <i>Special prohibitions</i>	(8)
PROCEEDINGS.....	(3)	2. <i>Provisions respecting officers, other than presiding</i>	(8)
1. <i>Sessions</i>	(3)	3. <i>Messages and communications</i>	(8)
a. <i>Regular</i>	(3)	4. <i>Printing, and other expenses</i>	(8)
b. <i>Extraordinary</i>	(4)	5. <i>Succession of presiding officers to office of Governor, in case of vacancy</i>	(8)
2. <i>Publicity of proceedings</i>	(4)	6. <i>First session after adoption of Constitution</i> ...	(8)
3. <i>Quorum, etc</i>	(4)	DUTIES OBLIGATORY.....	(9)
4. <i>Presiding officers</i>	(4)	1. <i>General provisions</i>	(9)
5. <i>Journals</i>	(4)	2. <i>Duties obligatory upon the Senate, only</i>	(9)
6. <i>Special powers of each house</i>	(4)	a. <i>In matter of procedure</i>	(9)
7. <i>Yeas and nays</i>	(5)	b. <i>In matters special</i>	(9)
8. <i>Adjournments</i>	(5)	3. <i>Upon each house, acting in its separate capacity</i>	(9)
9. <i>General legislation</i>	(5)	a. <i>In matter of procedure</i>	(9)
a. <i>Bills generally</i>	(5)		
b. <i>Appropriation bills, etc</i>	(5)		
c. <i>Bills allowing claims</i>	(5)		
d. <i>Bills local and special</i>	(6)		
e. <i>Vetoes</i>	(6)		

	ART.	SEC.	PAGE.
<i>General appropriation bill</i> to embrace nothing but appropriations for ordinary expenses of executive, legislative and judicial departments of State.....	5	30	15
<i>General elections</i> —see <i>Elections</i> .			
<i>General laws</i> —see <i>Laws, General</i> , and, for implications of prohibited special enactment, <i>SPECIAL LEGISLATION</i> .			
<i>Gift</i> to influence action of public officer, Person offering, and officer consenting to receive, guilty of felony.....	5	35	16
GOD, Acknowledgment of gratitude to	Pr	..	1
Natural and indefeasible right of all men to worship, according to the dictates of their own consciences.....	2	24	6
Persons denying being of, disqualified to hold civil office or testify as witnesses.....	19	1	55
<i>Government, Privilege of free choice of form of</i>	Pr	..	1
instituted for protection, security, and benefit, of the people...	2	1	2
Right of the people to alter, reform, or abolish.....	2	1	2
Right of petition to, by address or remonstrance.....	2	4	3
good, Religion, morality, and knowledge, essential to.....	2	25	6
Everything contained in Declaration of Rights, excepted out of the general powers of, and forever to remain inviolate.....	2	29	7

CONTENTS OF DIGEST UNDER "GENERAL ASSEMBLY" (continued.)

TITLES.	PAGE OF INDEX.	TITLES.	PAGE OF INDEX.
b. In matters special.....	(10)	(Public officers—except as regards matter of their compensation).....	(20)
4. Upon the two houses, acting in joint session..	(10)	(Schools).....	(20)
5. Upon the General Assembly, acting in the exercise of its ordinary capacity of legislation.....	(10)	(Miscellaneous).....	(20)
a. In matter of procedure.....	(10)	c. In matters special.....	(20)
b. In matters of legislation generally.....	(11)	POWERS DENIED	(21)
(Actions, Civil).....	(11)	1. <i>General provisions</i>	(21)
(Apportionment).....	(11)	[Note respecting prohibitions on the powers of a State, imposed by the Constitution of the United States]...	(21)
(Compensation of public officers).....	(11)	2. <i>Powers specifically denied to the Senate</i>	(22)
(Corporations).....	(12)	3. <i>Powers denied to the House of Representatives</i>	(22)
(Finance and Taxation).....	(12)	4. <i>To either house, acting in its separate capacity</i>	(22)
(Penal enactments).....	(12)	a. In matter of procedure.....	(22)
(Schools).....	(13)	b. In matters special.....	(22)
(Miscellaneous).....	(14)	5. <i>To the two houses, acting in joint session</i>	(22)
c. In matters special.....	(14)	6. <i>To the General Assembly, acting in the exercise of its ordinary capacity of legislation</i> ..	(22)
POWERS DISCRETIONARY	(14)	a. In matter of procedure.....	(22)
1. <i>General provisions</i>	(14)	b. In matters of legislation generally.....	(23)
2. <i>Discretionary powers vested in the Senate, alone</i>	(14)	(Rights, Privileges, etc.).....	(23)
3. <i>In the House of Representatives, alone</i>	(14)	(Apportionment).....	(24)
4. <i>In each house, acting in its separate capacity</i>	(14)	(Appropriations).....	(24)
5. <i>In the General Assembly, acting in the exercise of its ordinary capacity of legislation</i>	(15)	(Compensation of public officers).....	(24)
a. In matter of procedure.....	(15)	(Contracts).....	(25)
b. In matters of legislation generally.....	(15)	(Corporations).....	(25)
(General provisions).....	(15)	(Counties).....	(26)
(Appropriations and claims).....	(15)	(Elections).....	(26)
(Compensation of public officers).....	(15)	(Finance and Taxation).....	(26)
(Contracts).....	(16)	(Penal enactments).....	(27)
(Corporations).....	(16)	(Practice).....	(27)
(Counties).....	(17)	(Public officers—except as regards matter of their compensation).....	(28)
(Courts—their Creation, Constitution, Abolition, Terms, and Original Jurisdiction).....	(17)	(Schools).....	(28)
(Finance and Taxation).....	(18)	(Special legislation).....	(28)
(Militia).....	(19)	(Miscellaneous).....	(28)
(Penal enactments).....	(19)	c. In matters special.....	(28)
(Practice—including Appellate Jurisdiction).....	(19)	REPORTS TO GENERAL ASSEMBLY	(24)
		<i>By Governor</i>	(29)
		<i>By Secretary of State</i>	(29)

	ART.	SEC.	PAGE.
<i>Government of the U. S., Office, appointment, or employment, under, dis-</i>			
<i>qualifies for service as officer of election.....</i>	3	10	8
<i>of the State, Powers of, how divided.....</i>	4	..	6
<i>Levy of State tax, and appropriations of money, for defraying</i>			
<i>necessary expenses of, constitute exceptions to rule requiring</i>			
<i>vote of majority of two-thirds of both houses of General As-</i>			
<i>sembly.....</i>	5	31	15
<i>free and good, Intelligence and virtue the bulwark of.....</i>	14	1	44
<i>State, Contracts for furnishing stationery, printing, paper, and</i>			
<i>fuel, for use of.....</i>	19	15	57
<i>Government, Seat of, to be and remain at Little Rock.....</i>	1	..	2
<i>Governments instituted to secure the rights of life, liberty, property, repu-</i>			
<i>tation, and the pursuit of happiness.....</i>	2	2	2
<i>derive their just powers from the consent of the governed.....</i>	2	2	2
<i>Governor an officer of Executive Department.....</i>	6	1	16
<i>Supreme executive power vested in, as Chief Magistrate.....</i>	6	2	16
<i>to be styled "the Governor of the State of Arkansas".....</i>	6	2	16
<i>how chosen.....</i>	6	3	16
<i>Returns of election of.....</i>	6	3	17
<i>Case of tie in elections for.....</i>	6	3	17
<i>Contested elections for.....</i>	6	4	17
<i>Contested elections for, in case of elections to fill vacancy, to be</i>			
<i>decided as may be provided by law.....</i>	6	14	19
<i>Qualifications for office of.....</i>	6	5	17
<i>No member of Congress, or person holding office under author-</i>			
<i>ity of State of Arkansas or U. S., except as by the Constitu-</i>			
<i>tion provided, to exercise office of.....</i>	6	11	18
<i>In case of death, conviction on impeachment, failure to qualify,</i>			
<i>resignation, absence from State, or other disability of, Presi-</i>			
<i>dent of Senate to succeed to powers, duties, and emoluments,</i>			
<i>of the office, for remainder of term, till removal of disabil-</i>			
<i>ity, or till election and qualification of a Governor.....</i>	6	12	18
<i>Office of, in case of concurrent vacancy in Governorship</i>			
<i>and Presidency of Senate, or of concurrent ab-</i>			
<i>sence of both officers from the State, to be filled by</i>			
<i>Speaker of House of Representatives, in like manner as in</i>			
<i>the preceding entry provided.....</i>	6	13	18
<i>Vacancy in office of, not happening within twelve months</i>			
<i>next before expiration of term of office for which he shall have</i>			
<i>been elected, to be filled by election, in manner prescribed.....</i>	6	14	18
<i>Term of office.....</i>	6	1	16
<i>Maximum salary to be allowed.....</i>	19	11	57
<i>Salary of, during two years from adoption of Constitution.....</i>	Sc	28	67
<i>Salary of, not be increased during his term of office.....</i>	19	11	56
<i>liable to impeachment.....</i>	15	1	45
<i>to keep his office, in person, at seat of government.....</i>	6	1	16
<i>to issue writs of election to fill such vacancies as shall occur in</i>			
<i>either house of the General Assembly.....</i>	5	6	10
<i>to be Commander-in-Chief of military and naval forces of</i>			
<i>State, except when they shall be called into actual service of</i>			
<i>U. S.....</i>	6	6	17
<i>may require information, in writing, from officers of Executive</i>			
<i>Department, on subjects relating to duties of their offices.....</i>	6	7	17
<i>to see that the laws are faithfully executed.....</i>	6	7	17
<i>to give to General Assembly from time to time, and, at close of</i>			
<i>his official term, to next General Assembly, information, by</i>			
<i>message, concerning condition and government of State, and</i>			
<i>to recommend for their consideration such measures as he</i>			
<i>may deem expedient.....</i>	6	8	18
<i>to keep, and use officially, a seal of the State, to be called the</i>			
<i>"Great Seal of the State of Arkansas".....</i>	6	9	18
<i>to sign all grants and commissions.....</i>	6	10	18
<i>Bills passing both houses of General Assembly, to be presented</i>			
<i>to, for approval.....</i>	6	15	19
<i>to sign bills if he approve them.....</i>	6	15	19
<i>to return bills which he shall not approve, with his objections,</i>			
<i>to the house in which they originated.....</i>	6	15	19
<i>to return bills within five days, Sundays excepted, after presen-</i>			
<i>tation to him; unless General Assembly, by adjournment, pre-</i>			
<i>vent.....</i>	6	15	19

	ART.	SEC.	PAGE.
<i>Governor</i> to give notice, by public proclamation, within twenty days after adjournment of General Assembly, of disapproval of bills return of which has been prevented by such adjournment.....	6	15	19
to file, in office of Secretary of State, with his objections, bills disapproved, return of which has been prevented by adjournment of General Assembly.....	6	15	19
Orders and resolutions in which concurrence of both houses of General Assembly may be necessary, except on questions of adjournment, to be presented to, for approval, and, before taking effect, to be approved by him.....	6	16	20
to have power to disapprove any item or items of bill making appropriation of money, embracing distinct items.....	6	17	20
to have power, in all criminal and penal cases except those of treason and impeachment, to grant reprieves, commutations of sentence, and pardons, after conviction, under such rules and regulations as shall be prescribed by law.....	6	18	20
to have power, by and with advice and consent of Senate, to grant reprieves and pardons in cases of treason.....	6	18	20
in cases of treason, may in the recess of the Senate, respite sentence until adjournment of next regular session of General Assembly.....	6	18	20
to communicate to General Assembly, at every regular session, (with prescribed statement of particulars) each case of reprieve, commutation, or pardon, and his reasons therefor.....	6	18	20
may, by proclamation on extraordinary occasions convene 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 contagious disease.....	6	19	20
to specify, in his proclamation convening extraordinary session of General Assembly, the purpose for which they are convened.....	6	19	21
may, upon certificate by presiding officers of the two houses of the General Assembly of disagreement with respect to the time of adjournment, adjourn them to a time not beyond the day of their next meeting, and on account of danger or disease, to such other place of safety as he may think proper.....	6	20	21
in case of vacancy in office of, Treasurer, Secretary, or Auditor of State, or of Attorney General, to fill the same, by appointment for unexpired term.....	6	22	21
in case of vacancy in office where no mode is provided, by Constitution and laws, for filling the same, to fill the same by grant of commission.....	6	23	31
in case of disqualification of any Judge, of Supreme Court, to commission special Judge.....	7	9	23
Upon certificate of disqualification of Judge of County or Probate Court from presiding at trial, to commission a Special Judge.....	7	26	28
to commission all officers, Constables excepted, [i. e., judicial officers, officers of courts and officers of counties], provided for in Art. VII of Constitution.....	7	48	31
to fill, by appointment, vacancies occurring in county and township offices, six months, and in others nine months, before next general election.....	7	50	31
may, by and with advice and consent of Senate, appoint State Geologist, upon creation of such office.....	10	2	40
may at all times remove State Geologist, for incompetency or gross neglect of duty.....	10	2	40
Power of, to call out the volunteers or militia.....	11	3	40
Power of, to remove State officers, etc., upon address of General Assembly.....	15	3	45
Contracts for stationery, printing, paper, and fuel, for use of General Assembly and other departments of Government, for printing, binding, and distributing, of laws, journals, department reports, and all other printing and binding; and repairing and furnishing halls and rooms for use of General Assembly, to be subject to approval of.....	19	15	57
Record of all official acts and proceedings of, with all papers, minutes, and vouchers, relating thereto, to be laid, by the Secretary of State, when so required, before either branch of the General Assembly.....	6	21	21

	ART.	SEC.	PAGE.
<i>Governor</i> , Disqualification of Judges of County and Probate Courts from presiding at trial, to be certified to.....	7	36	28
Returns of elections for officers who are to be commissioned by, except as otherwise provided by Constitution, to be made to Secretary of State.....	19	10	56
First election for.....	Se	3	61
to issue proclamation enjoining preservation of good order, etc., on day of election under Schedule.....	Se	6	62
chosen at first election, Return and announcement of election of.....	Se	17	65
first elected, when to enter upon discharge of his duties.....	Se	17	65
to commission all officers chosen at election held under provisions of Schedule to the Constitution.....	Se	18	65
<i>Grand Jury</i> , Presentment or indictment of, requisite to criminal prosecutions, except in cases specified.....	2	8	3
<i>Grants</i> to be issued in the name and by authority of the State, sealed with the Great Seal of the State, signed by Governor, and attested by Secretary of State.....	6	10	18
Special or exclusive, under which bona fide organization be not made, and business commenced in good faith, at time of adoption of Constitution, declared invalid.....	12	1	41
of the State, to corporations, Power to tax the corporation or its property not to be surrendered or suspended by.....	16	7	47
<i>Gratitude</i> to God, for free choice of form of government, and for civil and religious liberty.....	Pr	..	1
<i>Great Seal</i> of the State of Arkansas.....	6, 19	9, 25	18, 60
of the State to be affixed to grants and commissions.....	6	10	18
<i>Grounds</i> used exclusively for school purposes, exempt from taxation.....	16	5	47
used exclusively for public charity, exempt from taxation.....	16	5	47
<i>Guardians</i> , Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....	7	34	28
Homesteads subject to seizure under judgments against, for moneys collected by them.....	9	3	38
Competency of, as witnesses, in actions by or against.....	Se	2	61

H.

<i>Habeas Corpus</i> , Suspension of privilege of.....	2	11	4
Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....	7	4	22
Power of County Judges to issue writ of, in case of absence of Circuit Judge from county.....	7	37	29
<i>Halls</i> used for meetings of General Assembly and its committees, Repairing and furnishing of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
<i>Happiness</i> , Right of every man to pursue his own, inherent and inalienable.....	2	2	2
<i>Hawkers</i> , General Assembly may tax.....	16	5	47
<i>Hearing</i> , Right of accused to.....	2	10	4
<i>Hereditary</i> emoluments, privileges, and honors, forever prohibited.....	2	19	5
<i>Highways</i> , public, Railroads, canals, and turnpikes, to be.....	17	1	48
<i>Holding over</i> of officers, until election and qualification of successors.....	19	5	56
<i>Homestead exemption</i>	9	3,4,5,	38, 39
of residents, married, or heads of families.....	9	6,9,10	
Limits of, outside of city, town, or village.....	9	3	38
Limits of, in city, town, or village.....	9	4	38
for benefit of widow.....	9	5	38
for benefit of minor children.....	9	6	38
Exceptions to rule of.....	9	6, 10	38, 39
<i>Honors</i> , Hereditary, forever prohibited.....	2	19	5
<i>House</i> , security of, against unreasonable searches and seizures, Right to..	2	15	5
<i>Houses</i> , Quartering of soldiers in.....	2	27	7
<i>House of Representatives</i> —see <i>Representatives</i> , <i>House of</i> .			
<i>House of Representatives</i> , <i>Speaker of</i> —see <i>Speaker</i> .			
<i>Husband</i> , Separate property of wife not to be subject to debts of.....	9	7	39

I.

	ART.	SEC.	PAGE.
<i>Idiots</i> not entitled to privileges of elector.....	3	5	8
Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....	7	34	28
<i>Immorality</i> , gross, Removal of county and township officers for.....	7	27	27
<i>Immunities</i> , Equality of.....	2	18	5
<i>Immunity</i> , Citizen not to be deprived of, on account of race, color, or previous condition.....	2	3	2
<i>Impeachment and Address</i>	15	..	45
<i>Impeachment</i> , House of Representatives to have sole power of.....	15	2	45
Officers liable to.....	15	1	45
Grounds of.....	15	1	45
Action of grand jury not requisite in cases of.....	2	8	3
to be tried by the Senate.....	15	2	45
Proceedings in trial of.....	15	2	45
of Chief Justice, Selection of presiding officer in case of.....	15	2	45
Judgment in, limited to removal from office, and disqualification to hold any office of honor, trust or profit under this State.....	15	1	45
No bar to indictment.....	15	1	45
Case of, an exception to Governor's power to grant reprieves, commutations of sentence, and pardons.....	6	18	20
of Governor, Office how filled in case of conviction upon.....	6	12, 13, 14	18
of President of Senate during vacancy in office of Governor, Governorship how filled in case of.....	6	13	18
pending, regular biennial session of General Assembly may exceed sixty days in duration.....	5	17	12
<i>Imprisonment</i> , except by judgment of peers or law of the land, prohibited	2	21	5
<i>Imprisonment for debt</i> , unless in cases of fraud, prohibited.....	2	16	5
<i>Improvement</i> , internal, of counties, County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
<i>Improvements</i> , local, in towns or cities, Assessments on real property, for...	19	27	60
<i>Inalienable rights</i> of man.....	2	2	2
of freedom of conscience and of religious worship.....	2	24	6
<i>Incompetency</i> , Removal of county and township officers for.....	7	27	27
or gross neglect of duty, State Geologist may be removed for.....	10	2	40
<i>Incorporation</i> —see <i>Corporations</i> .			
<i>Incorporated Companies</i> —see <i>Corporations</i> .			
<i>Indebtedness</i> —see <i>Debt</i> , and <i>Debts</i> .			
<i>Indebtedness, Public, of State, of counties, and of municipal corporations</i> —see <i>Debt, Public</i> .			
<i>Independence</i> , Natural, of all men.....	2	2	2
<i>Indictment</i> or presentment of grand jury, requisite to criminal prosecutions, except in cases specified.....	2	8	3
Style of.....	7	49	31
General Assembly may dispense with, in criminal matters cognizable by Corporation Courts.....	7	43	30
Punishment for contempt or disorderly behavior in presence of either house of General Assembly, not a bar to, for same offence	5	12	12
Proceedings to expel member of General Assembly for criminal offence, no bar to.....	5	36	16
Impeachment no bar to.....	15	1	45
Removal of county and township officers upon.....	7	27	27
<i>Individuals</i> , General laws not to be suspended, by legislature, for benefit of.....	5	25	14
<i>Ineligibility</i> —see <i>Disqualification</i> .			
<i>Infamous crime</i> , Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
<i>Infamy, public</i> , Witness in election investigations not permitted to withhold his testimony because it would subject him to.....	3	9	8
<i>Infantry</i> , Volunteer companies of.....	11	2	40
<i>Infants</i> , above the age of six, entitled to gratuitous instruction in free schools.....	14	1	44
<i>Inferior courts</i> —see <i>Courts, Inferior</i> .			
<i>Influencing</i> public officer in performance of duty, by gift, promise, etc., constitutes felony.....	5	35	16
<i>Information</i> , in writing, from officers of Ex. Department, Governor may require.....	6	7	17
Communication of, by Governor, to General Assembly.....	6	8	18

	ART.	SEC.	PAGE.
<i>Information</i> , Removal of county and township officers upon.....	7	27	27
<i>Inhabitants of the State, Enumerations of</i> —see <i>Census</i> .			
<i>Injuries</i> , Right to remedy for.....	2	13	4
to person or property, or resulting in death, Right of action for.....	5	32	15
<i>Injunction</i> , writs of, Power of County Judge to issue, in absence of Cir- cuit Judge from county.....	7	37	29
<i>Insane persons</i> not entitled to privileges of elector.....	3	5	8
Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to.....	7	34	28
General Assembly to provide for support of institutions for treat- ment of.....	19	19	58
<i>Institutions</i> , Counties and municipal corporations prohibited from appropri- ating money for, or loan of credit to.....	12	5	41
for education of deaf and dumb, and treatment of insane, General Assembly to provide for support of.....	19	19	58
<i>Instruction</i> , gratuitous, in free schools, What persons entitled to.....	14	1	44
<i>Instructions</i> to juries, to declare the law, not matters of fact.....	7	23	26
to juries, to be reduced to writing on request of either party.....	7	23	26
<i>Insurrection</i> , Suspension of habeas corpus in case of.....	2	11	4
Levy of State tax, and appropriations of money, to suppress, constitute exceptions to rule requiring vote of majority of two- thirds of both houses of General Assembly.....	5	31	15
Power of Governor to call out volunteers or militia to repress... State may contract debts to suppress.....	11	4	40
	12	12	43
<i>Intelligence</i> a safeguard of liberty and bulwark of free and good govern- ment.....	14	1	44
<i>Interest</i> on part of Judge or Justice of the Peace to disqualify from presid- ing at trial.....	7	20	25
in civil actions, no bar to competency of witnesses.....	Se	2	61
[monetary] Rate of.....	19	13	57
<i>Interest-bearing evidences of indebtedness</i> , Issue of, by counties or mun- icipalities, prohibited.....	16	1	46
<i>Interest-bearing treasury warrants or scrip</i> , State never to issue.....	16	1	46
<i>Internal improvement</i> of counties, County Court to have exclusive origi- nal jurisdiction in all matters relating to.....	7	28	27
<i>Intestate</i> , Competency, in certain actions, of testimony as to transactions with or statements of.....	Se	2	61
<i>Intoxicating liquors</i> , Sale or gift of, during day or night of election under Schedule, prohibited.....	Se	15	63
<i>Invasion</i> , Suspension of habeas corpus in case of.....	2	11	4
Levy of State tax, and appropriations, to repel, constitute ex- ceptions to rule requiring vote of majority of two-thirds of both houses of General Assembly.....	5	31	15
Power of Governor to call out volunteers or militia to repel.....	11	4	40
State may contract debts to repel.....	12	12	43
<i>Investigations</i> of elections, Rule as to divulging elector's vote in.....	3	3	8
of elections, Rule as to self-crimination, etc., of witnesses in.. See, also, <i>Elections, Contested</i> .	3	9	8
<i>Involuntary servitude</i> , except as punishment for crime, prohibited.....	2	27	6
<i>Items</i> of appropriation bills, Power of Governor to disapprove.....	6	17	20
of appropriation bills, disapproved by Governor, to be void un- less re-passed as prescribed in case of bill.....	6	17	20

J.

<i>Jeopardy</i> of life or liberty, No person to be twice put in, for same offence	2	8	3
<i>Johnson County</i> , General provisions of Art. XIII, Sec. 1, not to apply to	13	1	43
<i>Johnson and Pope counties</i> , Line between.....	13	1	43
<i>Joint orders</i> —see <i>Orders</i> .			
<i>Joint Resolutions</i> —see <i>Resolutions, Joint</i> .			
<i>Joint Sessions:</i>			
Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house; the vote to be taken viva voce, and enter- ed on the journals.....	5	14	12

	ART.	SEC.	PAGE.
Returns of election for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General respectively, to be sealed up separately and transmitted to the seat of government, by the returning officers, and directed to the Speaker of the House of Representatives.....	6	3	17
Speaker of the House of Representatives, during the first week of the session, to open and publish, in the presence of both houses, the votes cast and given for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, respectively.....	6	3	17
Upon the publication of the votes for Governor, Secretary of Treasurer, Auditor, and Attorney-General, respectively, the person having the highest number of votes for each of the respective offices, to be declared duly elected thereto.....	6	3	17
If two or more persons shall be equal and highest in votes for office of Governor, Secretary, Treasurer, Auditor, or Attorney-General, respectively, one of them to be chosen by the joint vote of both houses, and a majority of all the members elected to be necessary to a choice.....	6	3	17
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined by the members of both houses in joint session; who shall have exclusive jurisdiction in trying and determining the same, except as thereafter in the Constitution provided in the case of special elections [being the case of special elections to fill vacancies in the office of Governor—See Art. VI, Sec. 14, p. 18].....	6	4	7
Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney-General, to be determined at the first session of the General Assembly after the election in which the same shall have arisen.....	6	4	17
<i>Joint sessions</i> of both houses of General Assembly; To witness opening and publication of returns of election of officers of Executive Department.....	6	3	17
<i>Jones, Dudley, E.</i> , a member of the State Board of Supervisors of Election under Schedule.....	Sec	7	62
<i>Journal</i> , Each house of General Assembly to keep, of its proceedings.....	5	12	12
of each house of General Assembly to be published from time to time, except such parts as require secrecy.....	5	12	12
Yeas and nays, at desire of five members of either house of General Assembly, to be entered on.....	5	12	12
Yeas and nays, on final passage of bills, to be recorded on.....	5	22	13
of house to which bills disapproved are returned by Governor, to have entered upon it at large his objections thereto.....	6	15	19
of house to which joint and concurrent orders or resolutions disapproved are returned by Governor, to have entered upon it at large his objections thereto.....	6	16	20
of house to which items, disapproved, of appropriation bills, are returned by Governor, to have entered upon it, at large, his objections thereto.....	6	17	20
<i>Journals</i> , Vote on elections of officers in General Assembly to be entered on.....	5	14	12
of Senate and House of Representatives to have entered upon them the names of members voting for and against bills returned, by Governor, disapproved.....	6	15	19
of Senate and House of Representatives to have entered upon them the names of members voting for or against joint and concurrent orders or resolutions returned, by Governor, disapproved.....	6	16	20
of Senate and House of Representatives to have entered upon them the names of members voting for or against items, returned by Governor disapproved, of bills making appropriations.....	6	17	20
Vote upon question of continuance of session after disposal of business set forth in Governor's proclamation calling extraordinary session, to be entered upon.....	6	19	21
Proposed amendments to Constitution, if agreed to by a majority of all members elected to each house, to be entered on, with yeas and nays.....	19	22	59

	ART.	SEC.	PAGE.
<i>Journals</i> , Printing, binding, and distributing, of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
<i>Judges</i> , Oath of office.....	19	20	58
Salaries of, etc.....	19, 5c	11, 23	56, 67
ineligible to seat in either house of General Assembly.....	5	7	11
Disqualifications of, from presiding at trial.....	7	20	25
Offer to, or acceptance by, of consideration, to influence official action of, constitutes felony.....	5	35	16
Duties of, in matter of charges to juries.....	7	23	26
<i>Judges superior</i> , Power of, to review, in vacation, orders for injunction, and other provisional writs, issued by County Judge in absence of Circuit Judge from county.....	7	37	29
<i>Judges of Supreme Court</i> —see <i>Courts, Supreme, Judges of.</i>			
<i>Judges of Circuit Court</i> —see <i>Courts, Circuit, Judges of.</i>			
<i>Judge of Chancery Courts</i> —see <i>Courts of Chancery, Judges of.</i>			
<i>Judges of Pulaski Chancery Court</i> see <i>Court—Pulaski Chancery, Judges of.</i>			
<i>Judges of County Courts</i> —see <i>Courts, County, Judges of.</i>			
<i>Judges of Probate Courts</i> —see <i>Courts, Probate, Judges of.</i>			
<i>Judges of Courts of Common Pleas</i> —see <i>Courts of Common Pleas, Judges of.</i>			
<i>Judges of Corporation Courts</i> —see <i>Courts, Corporation, Judges of.</i>			
<i>Judges of inferior courts</i> —see <i>Courts, Inferior, Judges of.</i>			
<i>Judges of Elections</i> —see <i>Elections.</i>			
<i>Judges of Election under Schedule</i> —see <i>Election under Schedule, Judges of.</i>			
<i>Judges, Special:</i>			
of the Supreme Court.....	7	9	23
of the Circuit Courts.....	7	21	25
of County Courts.....	17	36	28
of Probate Courts.....	7	36	28
<i>Judgment of peers</i>	2	21	5
<i>Judgement in impeachment</i> , how limited.....	15	1	45
<i>Judgments</i> , final, of Justices of the Peace, Appeals from.....	7	42	30
Homesteads not to be subject (with exceptions stated), to liens of.....	9	3	38
See, also, <i>Appeals.</i>			
<i>Judicial Circuits</i>	18	..	51
[For Table showing apportionment of counties to judicial circuits, as prescribed until otherwise provided by General Assembly, see at close of Index.]			
<i>Jurisdiction</i> , Exclusive, (with exception stated) of two houses of General Assembly in joint session, in case of contested elections for officers of Executive Department.....	6	4	17
in cases of impeachment.....	6	..	45
But see <i>COURTS</i> , under separate head of each court			
<i>Juries</i> , Charges to.....	7	23	25
<i>Jury</i> , Right of trial by.....	2	7	3
Trial by, may be waived by the parties.....	1	7	3
Right of trial by, to extend to all cases at law, without regard to amount in controversy.....	2	7	3
Division of opinion of, in criminal prosecution.....	2	8	3
Right of trial by, in criminal prosecutions.....	2	10	4
to ascertain amount of compensation for property or right of way appropriated to use of corporations.....	12	9	42
in question of parallelism or competition of lines of railroads or canals.....	17	4	49
<i>Jury, Grand</i> —see <i>Grand Jury.</i>			
<i>Justice</i> , Right to obtain.....	2	13	4
<i>Justification</i> may be pleaded in criminal prosecutions for libel.....	2	6	3
<i>Justices of Supreme Court</i> —see <i>Court, Supreme, Judges of.</i>			
JUSTICES OF THE PEACE:			
<i>Officers of the Judicial Department.</i> —The judicial power of the State is in part vested in Justices of the Peace.....	7	1	22
<i>Election.</i> —The qualified electors of each township shall elect the Justices of the Peace for the term of two years.....	7	38	29
<i>Number of.</i> —For every two hundred electors there shall be elected one Justice of the Peace; but every township, however small, shall have two Justices of the Peace.....	7	39	29
<i>Term of office.</i> —They shall be elected for the term of two years..	7	38	29
<i>Qualifications.</i> —A Justice of the Peace shall be a qualified elector, and a resident of the township for which he is elected.....	7	41	30

INDEX TO CONSTITUTION.

clxxi

	ART.	SEC.	PAGE.
<i>Commissions.</i> —Justices of the Peace shall be commissioned by the Governor.....	7	38, 48	29, 31
<i>Oath of office.</i> —Before entering on the duties of their respective offices, they shall take and subscribe to the following oath or affirmation: "I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Arkansas, and that I will faithfully discharge the duties of the office of Justice of the Peace, upon which I am now about to enter.".....	19	20	58
<i>Endorsement of oath upon commission.</i> —Their official oath shall be endorsed on their commission.....	7	38	29
<i>Other civil offices for which not disqualified.</i> —Justices of the Peace are eligible to a seat in either house of the General Assembly.....	5	7	1
And to serve as election officers.....	3	10	8
<i>Jurisdiction.</i> —They shall have original jurisdiction in the following matters:			
1. Exclusive of the Circuit Court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest; and concurrent jurisdiction in matters of contract, where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest.....	7	4	29
2. Concurrent jurisdiction in suits for the recovery of personal property, where the value of the property does not exceed the sum of three hundred dollars; and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars.....	7	40	29
3. Such jurisdiction of misdemeanors as is now, or may be, prescribed by law.....	7	40	29
4. To sit as examining courts, and commit, discharge, or recognize offenders to the court having jurisdiction, for further trial; and to bind persons to keep the peace, or for good behavior.....	7	40	29
5. For the foregoing purposes, they shall have power to issue all necessary process.....	7	40	30
6. They shall be conservators of the peace within their respective counties.....	7	40	39
Provided, a Justice of the Peace shall not have jurisdiction where a lien on land, or title or possession thereto is involved.....	7	40	30
General Assembly may make criminal cases cognizable by Justices of the Peace, and courts of similar jurisdiction, which shall form exceptions to the requirement of presentment or indictment by a grand jury.....	2	8	3
<i>Superintending control and appellate jurisdiction of Circuit Courts.</i> —The Circuit Courts shall exercise a superintending control and appellate jurisdiction over Justices of the Peace; and shall have power to issue, hear, and determine, all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the Judge of the appropriate court, in vacation.....	7	14	24
<i>Appeals.</i> —Appeals may be taken from the final judgments of the Justices of the Peace, to the Circuit Courts, under such regulations as are now, or may be, provided by law.....	7	42	30
<i>Disqualification to preside at trial.</i> —No Justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within [such degree] as may be prescribed by law; or in which he may have been of counsel, or have presided in any inferior court.....	7	20	25
<i>Quorum of the County.</i> —The Justices of the Peace of each county, to sit with and assist the County Judge in levying county taxes, and in making appropriations for the expenses of the county, in the manner to be prescribed by law, and the County Judges, together with a majority of the Justices, to constitute the Court, who shall elect one of their members to preside. The General Assembly to regulate, by law, the manner of compelling the attendance of such quorum.....	7	30	27

	ART.	SEC.	PAGE.
But see <i>Township officers</i> , and, under head of OFFICERS, sub-head. " <i>Provisions applicable to all public officers.</i> "			
K.			
<i>Knowledge</i> essential to good government.....	2	25	6
L.			
<i>Laborers' liens</i> , Homestead subject to.....	9	3	38
<i>Lafayette county</i> , General provisions of Art. XIII, Sec. 1, not to apply to... County line may run within ten miles of county seat of.....	13	1	43
	13	4	44
<i>Land</i> , Courts of Common Pleas not to be vested with jurisdiction in matters involving title to.....	7	32	28
Jurisdiction prohibited to Justices of the Peace where lien on, or title, or possession to, involved.....	7	40	30
<i>Lands</i> , Tenure of (exclusively allodial).....	2	28	7
sixteenth section, Transfer, from Pulaski Chancery Court, to counties where lands located, of suits and proceedings relating to, or to money due for.....	7	44	30
See, also, <i>Real property</i> .			
<i>Law</i> , the, Equality of all persons before, recognized, and ever to remain inviolate.....	2	3	2
due process of, Right to.....	2	8	3
of the State not to be suspended or set aside, except by General Assembly.....	2	12	4
of the land, None to be touched in life, liberty, property or privilege, except in accordance with.....	2	21	5
See, also, <i>Special Laws</i> , and for full digest of restrictions upon special and local legislation, <i>General Assembly</i> , under sub-head of <i>Powers Denied</i> .			
Common—see <i>Common Law</i> .			
<i>Laws</i> of the State not to be suspended or set aside, but by General Assembly.....	2	12	4
Right to remedy in the, for injuries and wrongs.....	2	13	4
Remedy for injuries and wrongs to be conformable to the.....	2	13	4
Bills of attainder prohibited.....	2	17	5
<i>Ex post facto</i> , prohibited.....	2	17	5
impairing obligation of contracts, prohibited.....	2	17	5
making distinction between resident aliens and citizens, in the matter of property, prohibited.....	2	20	5
giving preference to any religious establishment, denomination, etc., prohibited.....	2	24	6
for protection of equal religious liberty, to be passed.....	2	25	6
contrary to provisions of Declaration of Rights, or to the other provisions of the Constitution to be void.....	2	29	7
whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name, prohibited.....	3	2	7
election, of the State, Willful and corrupt violation of, to constitute felony, and disqualify from offices of trust or profit... Style of.....	3	6	8
	5	19	13
not to be passed except by bill.....	5	21	13
Revival, amendment, and extension or conferment of provisions, of.....	5	23	14
local and special, Restrictions upon General Assembly, respecting passage of. [But see, also, for full digest, " <i>SPECIAL LEGISLATION</i> "].....	5	24, 25,	26
General, where applicable, no special law to be enacted.....	5	25	14
Pre-existing, on subject-matter of claims, indispensable to appropriation or payment unless, etc.....	5	27	14
making appropriations, Requisites of.....	5	29	15
making general appropriations, Restriction on contents of.....	5	30	15
Separate, and embracing, each, but one subject, required, to make appropriations other than for ordinary expenses of legislative, executive, and judicial departments of State.....	5	30	15
criminal, Indictment and punishment under, not barred by proceedings to expel member of General Assembly.....	5	36	16
Faithful execution of, Governor to see to.....	6	7	17

INDEX TO CONSTITUTION.

clxxiii

	ART.	SEC.	PAGE.
<i>Laws</i> , power of Governor to call out volunteers or militia to execute.....	11	4	40
General, creating corporations, may be altered or repealed.....	12	6	42
regulating public schools, Execution of, to be vested as may be provided by General Assembly.....	14	4	45
exempting property from taxation, other than as provided in Constitution, void.....	16	6	47
imposing taxes, to state distinctly the object thereof.....	16	11	47
for benefit of corporations, Condition of passage of.....	17	8	50
Printing, binding, and distributing, of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
Revision, digesting, arrangement, publication, and promulgation, of.....	19	17	58
not in conflict with Constitution, to remain in force until amended or repealed by General Assembly.....	Se	1	60
Exemption, in force at adoption of Constitution of 1863, to remain in force with regard to contracts made before that time.....	Se	1	60
See, also, <i>Acts</i> , and <i>Bills</i> .			
<i>Leases</i> of lines of railroad or canal, by parallel or competing lines, their lessees, etc., prohibited.....	17	4	49
<i>Legislation</i> , <i>Special</i> —see <i>Special Laws</i> , <i>Local Laws</i> , and, for full digest SPECIAL LEGISLATION.			
<i>Legislative Department</i>	4, 5	1	9, 10
Ordinary expenses of, to be provided for in general appropriation bill.....	5	30	15
<i>Legislative powers</i> of State government confided to separate body of magistracy.....	4	1	9
<i>Legislative power</i> vested in General Assembly.....	5	1	10
<i>Legislature</i> —see General Assembly.			
<i>Legitimation</i> of children, not to be effected by special law.....	5	24	14
<i>Levy of taxes</i> —see <i>Tax</i> , <i>Taxation</i> , and <i>Taxes</i> .			
<i>Levying war</i> against the State to constitute treason.....	2	14	4
<i>Liabilities</i> of railroad or other corporations held or owned by State.....	5	33	15
See <i>Debt</i> and <i>Debts</i> .			
<i>Libel</i> , <i>Criminal prosecutions</i> for.....	2	6	3
Truth may be given in evidence, in.....	2	6	3
<i>Liberties</i> , Disseizure of, except by judgment of peers or law of the land, prohibited.....	2	21	5
<i>Liberty</i> , civil and religious, Acknowledgement of gratitude, to God for.....	Pr	..	1
civil and religious, Perpetuation and security of, one of the objects of the Constitution.....	Pr	..	1
Right of enjoying and defending, inherent and inalienable.....	2	2	2
of the press and of speech.....	2	6	3
None to be deprived of, without due process of law.....	2	8	3
personal, jeopardy of, No person to be twice put in, for same offence.....	2	8	3
None to be deprived of, except by judgment of peers or law of the land.....	2	21	5
religious, Natural and indefeasible right of.....	2	24	6
of conscience, Right of.....	2	24	6
of worship.....	2	24, 25	6
of speech and debate, in session of General Assembly.....	5	15	12
Intelligence and virtue the safeguards of.....	14	1	44
But see, also, <i>Freedom</i> .			
<i>Libraries</i> used exclusively for school purposes, exempt from taxation.....	16	5	47
<i>Lien</i> on land, jurisdiction prohibited to Justices of the Peace where involved.....	7	40	30
<i>Liens</i> of judgments or decrees (with exceptions stated—see below), Homesteads not subject to seizure under.....	9	3	38
specific, Homesteads subject to.....	9	3	38
Laborers' or mechanics', for improvement, Homestead subject to seizure under.....	9	3	38
<i>Life</i> , Right of enjoying and defending, inherent and inalienable.....	2	2	2
jeopardy of, No person to be twice put in, for same offence.....	2	8	3
None to be deprived of, without due process of law.....	2	8	3
None to be deprived of, except by judgment of peers or law of the land.....	2	21	5
Survivors' right of action for injuries resulting in loss of.....	5	32	15

	ART.	SEC.	PAGE.
<i>Limitation</i> , Statutes of, with regard to sealed and unsealed instruments, in force at adoption of Constitution of 1868, to continue to apply to all instruments afterwards executed, until altered or repealed.....	Se	1	60
<i>Limitations on Powers of General Assembly</i> —see <i>General Assembly</i> , under sub-head of Powers Denied.			
<i>Liquors, intoxicating</i> , Sale or gift of, during day or night of election under Schedule, prohibited.....	Se	15	63
<i>Little Rock</i> to be and remain the seat of government.....	1	..	2
<i>Loan of credit of counties or municipal corporations to corporations, individuals, etc.</i> , prohibited.....	12	5	41
of credit of State, counties, and municipalities, prohibited.....	16	1	46
<i>Local Laws</i> , Classes of, prohibited.....	5	24, 25	14
bills for, Publication of notice of intention to apply for.....	5	26	14
See SPECIAL LEGISLATION.			
<i>Local improvements</i> in towns or cities, Assessments on real property for...	19	27	60
<i>Lot</i> , Casting of, at first session of Senate, to determine term of office of Senators.....	5	3	10
<i>Lotteries</i> not to be authorized by this State.....	19	14	57
<i>Lottery Tickets</i> , Sale of, not to be allowed.....	19	14	57
<i>Lunatics</i> —see <i>Insane, and Insane persons</i> .			

M.

<i>Magistracy</i> , Each department of State government confided to separate body of.....	4	1	9
<i>Magistrate</i> , Chief, styled "the Governor of the State of Arkansas".....	6	2	16
<i>Magistrates</i> —see <i>Justices of the Peace</i> , and, for the Judge of each court, under <i>Courts</i> and the proper sub-head.			
<i>Magna Charta</i> , Excerpt from, in relation to right to obtain justice.....	2	13	4
<i>Male citizen</i>	3	1	7
<i>Male inhabitant</i>	14	3	44
<i>Male persons</i>	3, 11	1, 1	7, 40
<i>Malffeasance</i> in office, Removal of county and township officers for.....	7	27	27
<i>Managers of Corporations</i> —see <i>Corporations</i> , and <i>Railroad Companies</i> , <i>Canal Companies</i> , and <i>Turnpile Companies</i> , under items relative to their officers.			
<i>Mandamus</i> , Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....	7	4	22
<i>Manufactures</i>	10	..	39
Exemption from taxation, of capital invested in.....	10	3	40
<i>Manufacturing</i> , (mining and agriculture,) bureau of, General Assembly may create.....	10	1	39
<i>Manufacturing interests</i> of the State, [General Assembly to pass laws fostering and aiding.....	10	1	39
<i>Marines</i> of U. S. not to acquire residence by being stationed in the State...	3	7	8
<i>Married women</i> , Separate property of.....	9	7, 8	39
Scheduling of separate personal property of.....	9	8	39
<i>Materials</i> used exclusively for public charity, Exempt from taxation.....	16	5	47
<i>Mayor's Courts</i> —see <i>Courts, Corporation</i> .			
<i>Mechanics' liens</i> for improvement, Homestead subject.....	9	3	38
<i>Members of Congress</i> —see <i>Congressmen</i> .			
<i>Members of General Assembly</i> —see <i>Senators and Representatives</i> .			
<i>Messages</i> , Regular, of Governor, to General Assembly.....	6	8	18
of Governor, returning bills disapproved.....	6	15	19
of Governor returning joint and concurrent orders or resolutions disapproved.....	6	16	20
returning items, disapproved, of bills making appropriations.....	6	17	20
to General Assembly, communicating pardons, reprieves, etc...	6	18	20
<i>Mileage</i> of members of General Assembly.....	5, Se	16, 28	12, 67
of members of General Assembly, during two years from adoption of Constitution.....	Se	28	67
<i>Military</i> at all times to be in strict subordination to the civil power.....	2	27	7
power never to interfere to prevent free exercise of right of suffrage.....	3	2	7
officers, appointed by General Assembly, to be elected viva voce, and vote entered on journals.....	5	14	12

INDEX TO CONSTITUTION.

clxxxv

	ART.	SEC.	PAGE.
<i>Military forces of State, Governor to be Commander-in-Chief of (with exception stated)</i>	6	6	17
<i>Military duty, Who subject to</i>	11	1	40
See, also, <i>Militia, and Army.</i>			
<i>Militia</i>	11	..	40
<i>Militia in actual service in time of war or public danger, Action of grand jury not requisite in case of offences arising in</i>	2	8	
<i>Militia, Governor to be Commander-in-Chief of (with exception stated)</i>	6	6	17
of whom to consist.....	11	1	40
Organization, officering, arming, equipment, and training of.....	1	11	40
Volunteer companies of.....	11	2	40
Power of Governor to call out.....	11	4	40
(with exceptions stated) Privileged from arrest during attendance at musters and elections of officers, and going to and returning from the same.....	11	3	40
Members of, may serve as officers of election.....	3	10	8
<i>Militia office, Treasurer, Secretary, and Auditor, of State, and Attorney General, prohibited from holding</i>	6	22	21
<i>Militia officers, Oath of office of</i>	19	20	58
eligible to seats in General Assembly.....	5	7	11
eligible to executive or judicial office.....	19	26	60
<i>Miners, Security of life, health, and safety of</i>	19	18	58
<i>Mining</i>	10	..	39
Exemption from taxation of capital invested in.....	10	3	40
<i>Mining interests of the State, General Assembly to pass laws fostering and aiding</i>	10	1	39
<i>Mining, Manufacturing, and Agricultural Bureau, General Assembly may create</i>	10	1	39
<i>Ministry. None rightfully compellable to maintain any, against his consent</i>	2	24	6
<i>Minority of Senate and House of Representatives, Powers of, to adjourn from day to day, and compel attendance of absent members</i>	5	11	11
<i>Minor children, Homestead exemption for benefit of</i>	9	6, 10	38, 39
<i>Minors, Apprenticeship of, County Courts to have exclusive original jurisdiction in all matters relating to</i>	7	28	27
<i>Misappropriation of public school fund, or of money or property belonging to State for benefit of schools or universities, prohibited</i>	14	2	45
<i>Miscellaneous Provisions</i>	19	..	55
<i>Misdemeanors, Jurisdiction of Justices of the Peace in</i>	7	40	29
<i>Misfeasance in office, Removal of county and township officers for.... in matter of use of public moneys, by officers of State, or members or officers of General Assembly</i>	16	3	46
<i>Mobs, Power of Governor to call out volunteers or militia to disperse</i>	11	4	40
<i>Money, Public, Collectors or holders of, ineligible to General Assembly, or to office of trust or profit, until account and payment of all sums for which liable</i>	5	8	11
public, embezzlement of, Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
to influence action of public officer, Person offering, and officer consenting to receive, guilty of felony.....	5	35	16
bills making appropriations of, Power of Governor to disapprove items of.....	6	17	20
Disbursements of, for county purposes, County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	28
Acts authorizing issue of paper to circulate as, prohibited.....	12	10	42
belonging to school funds, how to be employed.....	14	2	44
public, Publication of receipts and expenditures of.....	19	12	57
<i>Money, Appropriation of—see Appropriations.</i>			
<i>Moneys, Public, Misuse of, by officers of State, or members or officers of General Assembly</i>	16	3	46
arising from taxes levied for any purpose, to be used for no other.....	13	11	47
Disbursement of, from treasury.....	16	12	48
Public, to be turned over to officers chosen at first election.....	Se	21	66
<i>Monopolies declared contrary to genius of a republic, and prohibited</i>	2	19	5

	ART.	SEC.	PAGE.
<i>Morality</i> essential to good government.....	2	25	6
General Assembly may delegate the taxing power, with the necessary restrictions, to, to extent of providing for their existence, maintenance, and well-being, but in further.....	2	23	6
<i>Municipal boards, commissions, or trusts</i> , Officers of (aldermen not included), disqualified for service as officers of election.....	3	10	8
<i>Municipal corporations</i>	12	..	41
Power of Supreme Court to issue writs of quo warranto to officers of.....	7	5	23
Appeals from allowances made for or against.....	7	51	32
General Assembly to provide, by general laws, for organization of.....	12	3	41
General Assembly to provide, by general laws, specified restrictions of powers of.....	12	3	41
Restrictions upon powers of taxation and assessment by.....	12	3, 4	41
Restrictions upon powers of borrowing money and contracting debts by.....	12	3, 5	41
forbidden to pass laws contrary to the general laws of the State..	12	4	41
not to become stockholders in any corporation, etc.....	12	5	41
not to obtain or appropriate any money for, or loan credit to, any corporation, individual, etc.....	12	5	41
Assumption of liabilities of, by the State.....	12	12	43
never to loan credit for any purpose.....	16	1	46
to issue no interest-bearing evidences of indebtedness, except bonds, authorized by law, to provide for and secure payment of indebtedness existing at date of adoption of Constitution..	16	1	46
Taxes of, in what funds payable.....	16	10	47
orders Or warrants of, receivable for corporation taxes.....	16	10	47
Right of citizens to institute suit for general protection of inhabitants against enforcement of illegal exactions.....	16	13	48
Salary, fees, and perquisites, of officers of, not to exceed five thousand dollars net profit per annum, in par funds.....	19	23	59
Officers of, to pay into treasury of their respective corporations, all sums by them received in excess of five thousand dollars net profit, per annum, in par funds.....	19	23	59
Assessments by, on real property, for local improvements, may be authorized by General Assembly.....	19	27	60
See, also, <i>Corporations</i> .			
<i>Municipal Courts</i> —see <i>Courts, Corporation</i> ,			
<i>Municipal offices</i> , subordinate, Eligibility of officers of election to, at election at which they may serve.....	3	10	9
Appeals in cases of contested elections for.....	7	52	32
<i>Muster</i> , Privilege from arrest, of volunteers and militia, during attendance at.....	11	3	40
N.			
<i>Names</i> of persons, not to be changed by special law.....	5	24	14
of members of General Assembly voting for or against bills returned, disapproved, by Governor, to be entered on journals..	6	15	19
of members of General Assembly voting for or against joint and concurrent orders or resolutions, returned by Governor, disapproved, to be entered on journals.....	6	16	20
of members of General Assembly voting for or against items, returned by Governor, disapproved, to be entered on journals.....	6	17	20
<i>Naval forces</i> of State, Governor to be Commander-in-Chief of (with exception stated).....	6	6	17
<i>Naval service</i> of U. S., Militia, when called into, not to be commanded in chief by Governor.....	6	6	17
<i>Navy</i> of the U. S., Action of grand jury not requisite in case of offences arising in.....	2	8	3
Sailors and marines of, acquire no residence by reason of being stationed in the State.....	3	7	8
<i>Necessary expenses</i> of government, Levy of State tax, and appropriations of money for defraying.....	5	31	15
<i>Non compos mentis</i> , Courts of Probate to have exclusive original jurisdiction, as may be prescribed by law, in matters relative to persons.....	7	34	28

	ART.	SEC.	PAGE.
<i>Non-feasance</i> in office, Removal of county and township officers for.....	7	27	27
<i>Non-user</i> , Annulment of charters for, by virtue of adoption of Constitution.....	12	1	41
<i>Notaries</i> eligible to seats in General Assembly.....	5	7	11
eligible to executive or judicial office.....	19	26	60
<i>Notaries Public</i> may serve as officers of election.....	3	10	8
<i>Notes</i> , Acts authorizing issue of, to circulate as money, prohibited.....	12	10	42
<i>Notice</i> of intention to apply for local or special bills.....	5	26	14
by proclamation, of Governor's disapproval of bills, return of which has been prevented by adjournment of General Assembly.....	6	15	19
<i>Numbering</i> of names and ballots at election under Schedule.....	So	14	63

O.

<i>Oath or affirmation</i> requisite to issue of warrant of search and seizure.....	2	15	5
Nothing in Art. II, Sec. 26, (respecting religious tests, etc.) to be construed as dispensing with.....	2	26	6
of secrecy, required of officers of elections.....	3	3	8
of Senators, in trials of impeachment.....	15	2	45
<i>Oath of office</i>	19	20	58
of Justices of the Peace.....	7	28	29
of Constables, to be endorsed on certificate of election.....	7	47	31
<i>Obedience</i> —Power of each house of General Assembly to enforce obedience to its process.....	5	12	11
<i>Objections</i> of Governor, to bills disapproved.....	6	15	19
of Governor, to bills return of which has been prevented by adjournment of General Assembly, to be filed in office of Secretary of State.....	6	15	19
of Governor, to joint and concurrent orders or resolutions.....	6	16	20
of Governor to items, disapproved, of bills making appropriations, to be entered on journal as prescribed in case of other bills.....	6	17	20
<i>Obligation of contracts</i> , Laws impairing, prohibited.....	2	17	5
<i>Obligations</i> of railroad or other corporations, held or owned by State.....	5	33	15
<i>Offence</i> , No person, for same, to be twice put in jeopardy of life or liberty.....	2	8	3
No person, except in cases specified, to be held to answer for, but upon presentment or indictment.....	2	8	2
<i>Offences, Capital</i> , Persons charged with, when not bailable.....	2	8	4
Jurisdiction of, prohibited to corporation courts.....	7	43	30
<i>Offences, criminal</i> , Proceedings to expel member of General Assembly for, not to bar indictment and punishment for same offence.....	5	36	16
Jurisdiction of corporation courts over.....	7	43	30
<i>Offences punishable by imprisonment in the Penitentiary</i> —see <i>Felony</i> .			
<i>Offer</i> of thing of value, testimonial, privilege or personal advantage, to influence action of public officer, or the acceptance of such offer by the officer, constitutes felony.....	5	55	16
<i>Offers</i> of bribes, Power of each house of General Assembly to protect its members against.....	5	12	11
<i>Office</i> , Religious test never to be required as qualification for.....	2	26	6
Disqualification for, by reason of willful and corrupt violation of election laws.....	3	6	8
civil, Officers of election ineligible to any (with exceptions specified) to be filled at any election at which they may serve.....	3	10	9
Disqualification for membership of General Assembly, by reason of holding.....	5	7	11
of trust or profit, Collectors or holders of public money, their assistants or deputies, ineligible to, until account and payment of all sums for which liable.....	5	8	11
of trust or profit, Conviction, after adoption of Constitution, of embezzlement of public money, bribery, forgery, or other infamous crime, disqualifies for.....	5	9	11
civil, under the State, No Senator or Representative, during term for which elected, to be appointed or elected to.....	5	10	11
of Commissioner of State Lands may be established.....	6	1	16
of Commissioner of State Lands, Continuance or abolition of... Sc	24		66

	ART.	SEC.	PAGE.
<i>Office, of</i> Governor, Person holding other office, under authority of State of Arkansas or United States, except as by the Constitution provided, not to exercise.....	6	11	18
of Governor, Vacancy in, how filled.....	6	12,13,14	18
of Governor, how filled in case of concurrent vacancy in Governorship and Presidency of Senate, or absence of both officers from State.....	6	13	18
of Governor, how filled in case of vacancy not happening within twelve months next before expiration of term of office for which he shall have been elected.....	6	14	18
Treasurer, Secretary, and Auditor, of State, and Attorney-General, to hold no other, State, United States, or otherwise, at one and same time.....	6	22	21
of Treasurer, Secretary, or Auditor, of State, Case of vacancy in.....	6	22	21
Vacancy in, in case no mode is provided, by Constitution and laws, for filling the same, to be filled by appointment of Governor.....	6	23	21
Judges of Supreme Court to hold no other.....	7	10	24
Judges of Circuit Courts to hold no other.....	7	18	25
of State Geologist, may be created, under conditions specified.....	10	2	40
Removal from, and disqualification for, the penalty in cases of impeachment.....	15	1	45
Officers of State, and members or officers of General Assembly, misusing public moneys, disqualified from holding, for five years.....	16	3	46
civil, Disqualification of atheists for.....	19	1	55
Disqualification for, of duelists and their abettors.....	19	2	55
Qualifications of elector requisite to the holding of.....	19	3	55
Place of, of district, county, and township, to be such as designated by law.....	19	4	56
State, General Assembly not empowered to create any permanent, unless expressly provided for by this Constitution.....	19	9	56
<i>Office, Term of—see Term of office.</i>			
<i>Removal from—see Removal.</i>			
<i>Offices</i> disqualifying holder for service as officer of election.....	3	10	8
subordinate, municipal or local, Officers of election eligible to, at election at which they may serve.....	3	10	9
[as places of official business] of officers of Executive Department, to be kept at seat of government.....	6	1	16
Special elections to fill vacancies in.....	7	50	31
County, township, or municipal, Appeal in, contested elections for.....	7	52	32
Plurality of, except as expressly directed or permitted by Constitution, prohibited.....	19	6	56
OFFICERS :			
1. <i>Provisions applicable to all public officers:</i>			
<i>Officers</i> holding lucrative office under the United States or State, with exceptions specified, ineligible to seat in either house of General Assembly.....	5	7	11
Extra compensation to, after the service shall have been rendered, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....	5	27	14
Offer to, or acceptance by, of consideration, to influence public action of, constitutes felony.....	5	35	16
under authority of State of Arkansas not to exercise office of Governor, except as in the Constitution provided.....	6	11	18
General Assembly to fix salaries and fees of.....	16	4	46
Salaries and fees of, not to be paid at other than par value.....	16	4	46
must possess qualifications of electors.....	19	3	55
to continue in office, after expiration of their official terms, until their successors are elected and qualified.....	19	5	56
General Assembly to regulate deductions from salaries of, for neglect of duty.....	19	8	56
Oath of office of.....	19	20	58
State, county, city, or town, not to receive, directly or indirectly, for salaries, fees, and perquisites, more than five thousand dollars, net profit, per annum, in par funds.....	19	23	59

2. Provisions applying to particular classes of public officers :

Officers (except Constables) provided for in Art. VII of Constitution, [i. e., judicial officers, officers of courts, and county officers], to be commissioned by Governor.....

to be commissioned by Governor, Returns of election of.....

Appointment of, by Governor, to fill vacancies occurring within specified periods preceding next general election.....

civil, for State at large, to reside within the State.....

of State government, not to be interested in contracts for stationery, paper, fuel, printing, binding, or distribution of documents, for State government, or repairing and furnishing halls and rooms of General Assembly.....

of the State, General Assembly to prevent, by law, grant of free passes to, by railroad or transportation companies.....

of State, Salaries of during two years from adoption of Constitution.....

of Executive Department, how chosen.....

of Executive Department, Returns of election of.....

of Executive Department, Contested elections for.....

of Executive Department, how chosen in case of tie.....

of Executive Department, Governor may require information, in writing, from, etc.....

of counties, Election of.....

civil, for districts, counties, and townships, to reside within their respective districts, counties, or townships.....

civil, of districts, counties, and townships, Places of office of... of political corporations, Power of Supreme Court to issue writs of quo warranto to.....

Each house of General Assembly to appoint its own.....

appointed by General Assembly, or either house thereof, to be elected viva voce, and vote recorded on journals.....

See, also.....

of militia, how appointed.....

of militia eligible to seats in General Assembly.....

of militia, and of public schools, and Notaries, eligible to executive or judicial office.....

of public schools, eligible to seats in General Assembly.....

to supervise public schools and execute laws regulating them, General Assembly to provide for.....

of election, to number every ballot, and record number opposite name of elector presenting.....

of election, to be sworn to secrecy, unless in cases specified.....

of elections, Disqualifications for service as.....

of election, ineligible to any civil office (with exceptions specified), to be filled at an election at which they may serve.....

of election, Votes unlawfully excluded by, to be counted upon trial of contest.....

returning officers of elections for officers of Executive Department, Duty of.....

of United States, not to exercise office of Governor.....

State, county, and township, First election for.....

State, chosen at first election, Return and announcement of.....

chosen at first election, to be commissioned by Governor.....

except of Executive Department of the State, chosen at first election, when to enter upon discharge of duties of their offices.....

chosen at election under Schedule, Term of office of.....

in position at date of ratification of Constitution, to vacate office on qualification of successors.....

whose offices not abolished by Constitution, to continue, in office until election and qualification of successors.....

But see *State Officers, General Assembly*, under sub-heads of "Presiding Officers," and "Officers other than presiding," *Judges, Courts, County Officers, Township officers, Compensation, etc.*, and for each office, under the appropriate head.

ART.	SEC.	PAGE.
7	48	31
19	10	56
7	50	31
19	4	56
19	15	57
17	7	50
Sc	28	67
6	3	16
6	3	17
6	4	17
6	4	17
6	7	17
7	46	31
19	4	56
19	4	56
7	5	23
5	11	11
5	14	12
3	12	9
11	1	40
5	7	11
19	26	60
5	7	11
14	4	45
3	3	8
3	3	8
3	10	8
3	10	9
3	11	9
6	3	16
6	11	18
Sc	3	61
Sc	17	64
Sc	18	65
Sc	20	65
Sc	26	67
Sc	21	66
Sc	24	66

Officers of canal companies—see *Canal companies*.

Officers of railroad companies—see *Railroad companies*.

Officers of turnpike companies—see *Turnpike companies*.

Opening of votes for officers of Executive Department.....

Opinions, Right to free communication of.....

6	3	17
2	6	3

	ART.	SEC.	PAGE.
<i>Orders</i> , requiring concurrence of both houses of General Assembly, except on questions of adjournment, to be presented to Governor, and, before taking effect, to be approved by him.....	6	16	20
requiring concurrence of both houses of General Assembly, except on question of adjournment, if disapproved by Governor, to be repassed by both houses, as in case of bill.....	6	16	20
of counties, towns, and cities, receivable for taxes thereof, respectively.....	16	10	47
<i>Ordinary expenses</i> of State government to be provided for in general appropriation bill.....	5	30	15
<i>Outlawry</i> , except by judgment of peers, or law of the land, prohibited.....	2	21	6
<i>Overt act</i> in case of treason.....	2	14	5

P.

<i>Paper</i> for use of State government, to be furnished by lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
for use of State government, No member or officer of government to be interested in contract for.....	19	15	57
[in nature of bills of credit] Acts authorizing issue of, to circulate as money, prohibited.....	12	10	42
<i>Papers</i> , security of, against unreasonable searches and seizures, Right to.....	2	15	5
official, to be turned over to officers chosen at first election.....	Se	21	66
<i>Parallel lines</i> of railroads or canals.....	17	4	49
<i>Pardons</i> , Governor to have power, except in cases of treason and impeachment, to grant, after conviction.....	6	18	20
in cases of treason, Governor may grant by and with advice and consent of Senate.....	6	18	20
Each case of, to be communicated, by Governor, to General Assembly, with his reasons therefor, and prescribed statement of particulars.....	6	18	20
<i>Parliamentary law and practice</i> —see under principal head of GENERAL ASSEMBLY, and, throughout the digest under that title, the sub-heads "In matter of procedure"			
<i>Parliamentary privilege</i>	5	15	12
<i>Parties</i> in civil actions, Competency of, as witnesses.....	Se	2	61
<i>Passage</i> , of bills.....	5	22	13
over veto, of bills disapproved by Governor.....	6	15	19
over veto, of joint and concurrent orders or resolutions.....	6	16	20
See, also, under GENERAL ASSEMBLY, principal head, the sub-head of <i>Vetoes</i> .			
over veto, of items, disapproved by Governor, in bills making appropriations.....	6	17	20
<i>Passage, Free</i> , grant of, by railroad or transportation companies to officers of the State, General Assembly to prevent by law.....	17	7	50
<i>Paupers</i> County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
Contracts for care and keeping of, where there are no almshouses.....	19	16	58
<i>Pay</i> —see <i>Compensation</i>	5	16	12
<i>Payment</i> of all public money to be rendered by collectors, holders, etc., before they shall become eligible to General Assembly, or office of trust or profit.....	5	8	11
of money on claims the subject-matter of which shall not have been provided for by existing laws, prohibited, unless allowed by bill passed by two-thirds of members elected to each branch of General Assembly.....	5	27	14
of all just and legal debts of the State, General Assembly, from time to time, to provide for.....	16	2	46
of public moneys, Publication of.....	19	12	57
<i>Payments</i> from the treasury to be made only in pursuance of specific appropriation, by law, made in manner specified.....	5	29	15
<i>Peace</i> , Judges of Supreme Court to be conservators of throughout the State.....	7	4	22
Circuit Judges to be conservators of, within circuit for which elected.....	7	14	24

INDEX TO CONSTITUTION.

clxxxix

	ART.	SEC.	PAGE.
Justices of the Peace to be conservators of, within their respective counties.....	7	40	29
Justices of the Peace to have power to bind persons to keep.....	7	40	29
<i>Peace, Breach of the, Case of, constitutes exception to elector's privilege of freedom from arrest.....</i>	3	4	8
Case of, or of surety of the peace, constitutes exception to Senators' and Representatives' privilege of freedom from arrest.....	5	15	12
Case of, Privilege of volunteers and militia from arrest, at musters, etc., not to extend to.....	11	3	40
<i>Peace, public, Power of Governor to call out volunteers or militia to preserve.....</i>	11	4	40
<i>Peace, time of, Standing army not to be maintained in.....</i>	2	27	6
Quartering of soldiers in.....	2	27	7
<i>Peay, Gordon N., a member of State Board of Supervisors of Election under Schedule.....</i>	So	7	62
<i>Peddlers, General Assembly may tax.....</i>	16	5	47
<i>Peers, Judgment of.....</i>	2	21	5
<i>Penal cases—see Prosecutions, Criminal, and Crime.</i>			
<i>Penal prosecutions—see Prosecutions, Criminal.</i>			
<i>Penal purposes, Corporations for.....</i>	12	2	41
<i>Penalties upon members of General Assembly, for absence, Each house may provide, and number less than quorum enforce.....</i>	5	11	11
in cases of impeachment.....	15	1	45
to be provided for abuses, unjust discrimination, and excessive charges, by railroad, canal, and turnpike companies.....	17	10	50
to be provided for failure of railroad companies to make annual report to Auditor of Public Accounts.....	17	13	51
in cases of dueling	19	2	55
for sale or gift of intoxicating liquors during day or night of election under Schedule.....	So	15	63
of malfeasance of officers of election under Schedule.....	So	25	67
But see, also, <i>Punishment.</i>			
<i>People of the State of Arkansas, Constitution obtained and established by the, to perpetuate civil and religious liberty, and secure the same to themselves and their posterity.....</i>	Pr	..	1
all political power inherent in the.....	2	1	2
Government instituted for the protection, security and benefit of the.....	2	1	2
Right of, to abolish, alter, or reform, their government, in such manner as they may think proper.....	2	1	2
Submission of proposed amendments to the Constitution, to the.....	19	22	59
Submission of the Constitution to the, for ratification.....	Se	3 to 17	61 to 64
Certain rights retained by the, and not enumerated in Declaration of Rights.....	2	29	7
For further references to the rights and liberties of the people, see under head of the particular subject.			
<i>Per d'cm—see Compensation.....</i>	5	16	12
<i>Perjury in trials of contested elections, and proceedings for investigation of elections, Witnesses' own testimony may be used against him in prosecutions for.....</i>	3	9	8
<i>Perpetuities declared contrary to genius of a republic, and prohibited.....</i>	2	19	5
<i>Personal advantage, Offer, gift, or promise, of, to public officer.....</i>	5	35	16
<i>Personal liberty—see Liberty.</i>			
<i>Perquisites—see Fees.</i>			
<i>Separate County Clerks—see Clerks, County.</i>			
<i>Person, Right to remedy for injuries to.....</i>	2	13	4
Security of, against unreasonable searches and seizures, Right to.....	2	15	5
Taking or imprisonment of, except by judgment of peers or law of the land, prohibited.....	2	21	5
Right of action or injuries to.....	5	32	15
damages to, Railroads to be responsible for.....	17	12	50
<i>Persons of unsound mind, Courts of Probate to have exclusive original jurisdiction as may be prescribed by law, in matters relative to.....</i>	7	34	28
<i>Personal property, suits for recovery of, Jurisdiction of Justices of the Peace in.....</i>	7	40	29

	ART.	SEC.	PAGE.
<i>Personal property</i> , damage to, Jurisdiction of Justices of the Peace in matters of.....	7	40	29
Exemption of, from seizure for debt by contract:			
of residents, not heads of families.....	9	1	37
of residents, heads of families.....	9	2	37
Separate, of femene covert.....	9	7	39
Rolling stock and all other movable property of railroad companies to be considered and treated as.....	17	11	50
<i>Perquisites</i> , State officers (Prosecuting Attorneys excepted) not to receive to their own use.....	19	11	56
of public officers, not to exceed five thousand dollars, net profit, per annum, in par funds.....	19	23	59
<i>Petition</i> , right of.....	2	4	3
<i>Place of office</i> , of district, county, and township officers, to be such as designated by law.....	19	4	56
<i>Plurality of offices</i> , except as expressly directed or permitted by Constitution prohibited.....	19	6	56
<i>Police courts</i> —see <i>Courts, Corporation</i> .			
<i>Political corporations</i> —see <i>Corporations, and Municipal corporations</i> .			
<i>Political power</i> , All, inherent in the people.....	2	1	2
<i>Poll-Books</i> for election under Schedule.....	Sc	9	62
<i>Poll-tax</i> of one dollar, for school purposes, prescribed.....	14	3	44
<i>Polls</i> at election under Schedule.....	Sc	16	64
<i>Pope and Johnson counties</i> , Line between.....	13	1	43
<i>Pope county</i> , General provisions of Art. XIII, Sec. 1, not to apply to.....	13	1	43
<i>Population</i> of State when amounting to one million, General Assembly may increase number of Judges of Supreme Court to five.....	7	3	22
<i>Posterity</i> , Security to, of blessings of liberty, one of the objects of the Constitution.....	Pr	..	1
<i>Postmasters</i> eligible to seat in General Assembly.....	5	7	11
<i>Postponement</i> of obligations or liabilities of corporations, held or owned by State prohibited.....	5	33	15
<i>Power</i> , All political inherent in the people.....	2	1	2
of taxation, State's, may be delegated to political and municipal corporations, to extent specified.....	2	23	6
Military or civil, never to interfere to prevent free exercise of right of suffrage.....	3	2	7
Military, at all times to be in strict subordination to the civil.....	2	27	7
Legislative, vested in General Assembly.....	5	1	10
Supreme executive, vested in Chief Magistrate, styled Governor, etc.....	6	2	16
Judicial, where vested.....	7	1	22
to tax corporations or corporate property, not to be surrendered or suspended by any contract or grant to which the State may be a party.....	16	7	47
<i>Powers</i> . Just, of government, derived from consent of the governed.....	2	2	2
higher, delegated by the Constitution, Provision of safeguard against transgression of.....	2	29	7
of the State government, how divided.....	4	..	9
belonging to either department of government, not to be exercised by any person or persons belonging to another department, except as prescribed in Constitution, after Art. IV.....	4	2	9
of each house of General Assembly.....	5	11,12, 18,28	11, 13, 15
<i>Powers</i> , grant of which is within jurisdiction of the courts, not to be conferred by special law.....	5	25	14
of corporations—see Art. XII, <i>passim</i> .			
of the General Assembly—see <i>General Assembly</i> , under sub-heads of <i>Powers Discretionary</i> , and <i>Powers Denied</i> .			
<i>Practice</i> in criminal prosecutions for libel.....	2	6	3
<i>Preamble</i>.....	..	..	1
<i>Pre-existing laws</i> , on subject-matter of claims, indispensable to appropriation or payment, unless, etc.....	5	27	14
<i>Preference</i> never to be given, by law, to any religious establishment, denomination, or mode of worship, above any other.....	2	24	6
<i>Presentment</i> or indictment of grand jury, requisite to criminal prosecutions, except in cases specified.....	2	8	3
<i>Presentment</i> . Removal of county and township officers upon.....	7	27	27
<i>Presiding Officer</i> , Each house of General Assembly to elect, etc.....	5	18	13
of Senate to be styled President of the Senate.....	5	18	13
of House to be styled Speaker of the House of Representatives.....	5	18	13

INDEX TO CONSTITUTION.

clxxxiii

	ART.	SEC.	PAGE.
<i>President of Constitutional Convention</i> , in case of all places on State Board of Supervisors of election under Schedule becoming vacant at same time, to fill vacancy.....	Se	7	62
<i>President of the Senate</i>	5	18	13
Election of.....	5	18	13
Term of office of.....	5	18	13
in case of vacancy in office of Governor, his disability or absence, to succeed to powers, duties, and emoluments of office, for remainder of term, till removal of disability, or till election and qualification of the Governor.....	5, 6	18, 12	13, 18
exercising office of Governor, in case of vacancy not happening within twelve months next before expiration of Governor's term, to cause election to be held to fill such vacancy, etc.....	6	14	18
a member of Board of Canvassers of returns of election to fill vacancy in office of Governor.....	6	14	19
to certify (with Speaker of House), to Governor, fact of disagreement between the two houses of the General Assembly, with respect to time of adjournment.....	6	20	21
<i>Presidents of Corporations</i> —see Corporations, and Railroad Companies, Canal Companies and Turnpike Companies, under items relative to their officers.			
<i>Press</i> , Liberty of the, to remain forever inviolate.....	2	6	3
liberty of the, Responsibility for abuse of.....	2	6	3
<i>Presumption</i> , Great, in case of capital offences, to exclude from bail.....	2	8	4
<i>Previous condition</i> , No distinction in point of civil rights of duties, on account of.....	2	3	2
<i>Printing</i> of laws, journals, and department reports, and other printing, to be performed under contract, to lowest responsible bidder, below maximum price, as shall be prescribed by law.....	19	15	5
for use of State government, contract for furnishing, to be subject to approval of Governor, Auditor, and Treasurer.....	19	15	57
for State government, No member or officer of government to be interested in contract for.....	19	15	57
<i>Private property</i> not to be taken, appropriated, or damaged, without just compensation.....	2	22	6
See, also, <i>Eminent domain</i> , and <i>corporations</i> .			
<i>Private corporations</i>	12	..	4
See, also, <i>corporations</i> .			
<i>Private property</i> , Foreign corporations to have no power to condemn or appropriate.....	12	11	42
<i>Private solicitations</i> , Power of each house of General Assembly to protect its members against.....	5	12	11
<i>Privilege</i> of free choice of form government.....	Pr	..	1
of writ of habeas corpus, Suspension of.....	2	11	4
citizen not to be deprived of, on account of race, color, or previous condition.....	2	3	2
of writ of habeas corpus, Suspension of.....	2	11	4
Elector's, of freedom from arrest.....	3	4	8
of members of General Assembly, of freedom from arrest.....	5	15	12
of members of General Assembly, of freedom from question elsewhere for speech or debate in either house.....	5	15	12
offer of, to influence action of public officer, or acceptance of by officer, constitutes felony.....	5	35	16
of volunteers and militia, from arrest.....	11	3	40
<i>Privileges</i> of corporations—see Art. XII, <i>passim</i> .			
Equality of.....	2	18	5
Hereditary, forever prohibited.....	2	18	5
Disseizure of, except by judgment of peers or law of the land, prohibited.....	2	21	5
of elector, Idiots and insane persons not entitled to.....	3	5	8
grant of which is within jurisdiction of the courts, not to be conferred by special law.....	5	25	14
special or exclusive, under which <i>bona fide</i> organization be not made, and business commenced in good faith, at time of adoption of Constitution, declared invalid.....	12	1	41
General Assembly may tax.....	16	5	47
of foreign corporations doing business in this State, Regulations concerning.....	12	11	42
Probate Courts—see <i>Courts</i> , <i>Probate</i> .			

	ART.	SEC.	PAGE.
<i>Probate business, jurisdiction of, transferred from Circuit to Probate Courts</i>	Se	23	66
<i>Probate of wills, Jurisdiction of, vested in Courts of Probate</i>	7	34	28
<i>Proceedings, Each house of General Assembly may determine the rules of its own</i>	5	12	11
Journal of, to be kept by each house of General Assembly.....	5	12	12
to expel member of General Assembly for criminal offence, not to bar indictment and punishment for same offence.....	5	35	16
<i>Proceedings for investigation of elections—see Elections, Contested.</i>			
For other proceedings, see under head of the particular subject-matter of proceeding.			
<i>Procedure—see GENERAL ASSEMBLY, under the head of PROCEEDINGS, and under the sub-heads, throughout that entire title, of "a. In matter of procedure." Reference to the procedure in any particular instance will be found in the General Index, under the appropriate head.</i>			
<i>Process, due, of law, Right to</i>	2	8	3
compulsory, for witnesses, Right of accused to.....	2	10	4
civil, Exemption of electors from, during attendance at elections.....	3	4	8
Power of each house of General Assembly to enforce obedience to its.....	5	12	11
civil, Exemption of members of General Assembly from, during session, etc.....	5	15	12
Power of Justices of the Peace to issue.....	7	40	30
judicial, Style of.....	7	49	31
<i>Proclamation for election to fill vacancy in office of Governor</i>	6	14	18
by Governor, of disapproval of bills, return of which has been prevented by adjournment of General Assembly.....	6	15	19
by Governor, convening General Assembly on extraordinary occasions.....	6	19	20
by Governor, convening General Assembly at place other than seat of government.....	6	19	20
of Governor, enjoining preservation of good order, etc., on day of election under Schedule.....	Se	6	62
<i>Prohibition, Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction</i>	7	4	22
<i>Prohibitions to General Assembly—see General Assembly, under head of Powers Denied.</i>			
<i>Profit, Offices of—see Offices.</i>			
<i>Promise of value, testimonial, or advantage, to influence action of public officer, or the acceptance of such promise by the officer, constitutes felony</i>	5	35	16
<i>Property, Inherent and inalienable right of all men to acquire, possess and protect</i>	2	2	2
None to be deprived of, without due process of law.....	2	8	3
Right to remedy for injuries to.....	2	13	4
Distinctions of law between resident aliens and citizens, in matter of, prohibited.....	2	20	5
None to be deprived of, except by judgment of peers or law of the land.....	2	21	5
Right of, before, and higher than, any constitutional sanction... Private, not to be taken, appropriated, or damaged, for public use, without just compensation therefor.....	2	22	6
Right of action for injuries to.....	5	32	15
appropriated to use of corporations, Compensation for.....	12	9	42
private, Foreign corporations to have no power to condemn or appropriate.....	12	11	42
belonging to school funds, how to be employed.....	14	2	44
taxable, School tax upon, prescribed.....	14	3	44
General Assembly to direct equal and uniform valuation of, for purposes of taxation.....	16	5	46
taxable, No one species of, to be taxed higher than another species of equal valuation.....	16	5	47
Exemption of, from taxation.....	16	5	47
of corporations, Surrender or suspension of power to tax, prohibited.....	16	7	47
of incorporated companies, State's right of eminent domain over.....	17	9	50

INDEX TO CONSTITUTION.

clxxxv

	ART.	SEC.	PAGE.
<i>Property</i> , Moveable, of railroad companies, to be considered and treated as personal.....	17	11	50
damages to, Railroads to be responsible for.....	17	12	50
<i>Property exemption</i> —see <i>Exemption</i> .			
<i>Proof</i> , Evident, of capital offence, to exclude from bail.....	2	8	4
of publication of notice of intention to apply for local or special bill, to be exhibited in General Assembly, before passage of bill.....	5	26	14
See, also, <i>Evidence</i> .			
<i>Prosecuting Attorneys</i> , Salary of, during two years from adoption of Constitution.....	Sc	28	67
Election of.....	7	24	26
Term of office of.....	7	24	26
Qualifications of.....	7	24	26
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
Salary and fees of, etc.....	19, Sc	11, 28	56, 67
First election for.....	Sc	3	61
<i>Prosecutions</i> not to abate because of change made in this Constitution....	Sc	23	66
<i>Prosecutions</i> , Criminal, for libel, Rights of accused in.....	2	6	3
generally, Rights of accused in.....	2	8,9,10	3, 4
Case of division of opinion of jury in.....	2	8	3
Venue in, not to be changed by local or special law.....	5	24	14
<i>Protection</i> of the people one of the objects of the institution of government.....	2	1	2
of members of either house of General Assembly, against violence, offers of bribes, or private solicitations.....	5	12	11
<i>Provisional writs</i> , Power of County Judge, in absence of Circuit Judge from county, to issue.....	7	37	29
See, however, <i>Writs</i> .			
<i>Publication</i> of sentiment, Freedom of.....	2	6	3
charged as libelous, Justification of, admissible in criminal prosecutions for libel.....	2	6	3
of journal of each house of General Assembly.....	5	12	12
at length, required, of such portions of laws as may be revived, or amended, and of provisions extended or conferred.....	5	23	14
of notice of intention to apply for local or special bills.....	5	26	14
of votes for officers of Executive Department.....	6	3	17
of receipts and expenditures of public money.....	19	12	57
of the laws of the State.....	19	17	58
of proposed amendments to Constitution.....	19	22	59
of notice of election under Schedule.....	Sc	5	61
of result of vote, on adoption of Constitution.....	Sc	17	64
<i>Public buildings</i> , Contracts for erections, repairs, or materials of.....	19	16	58
<i>Public</i> , Credit, Loan of, prohibited.....	16	1	46
<i>Public danger</i> , Action of Grand Jury not requisite in cases arising in the militia when in actual service in time of.....	2	8	3
<i>Public debt</i> —see <i>Debt</i> , <i>Public</i> .			
<i>Public defense</i> , State may contract debts to provide for.....	12	12	43
<i>Public money</i> , Collectors or holders of, ineligible to General Assembly, or office of trust or profit, until account and payment of all sums for which liable.....	5	8	11
embezzlement of, Conviction of, after adoption of Constitution, disqualifies for seat in General Assembly, or office of trust or profit.....	5	9	11
<i>Public moneys</i> , Misuse of, by officers of State, or members or officers of General Assembly.....	16	3	46
<i>Public peace</i> , Power of Governor to call out volunteers or militia, to preserve.....	11	4	40
<i>Public property</i> , used exclusively for public purposes, Exemption of, from taxation.....	16	5	47
<i>Public safety</i> , Suspension of habeas corpus for, in certain cases.....	2	11	4
<i>Public Schools</i> —see <i>Schools</i> .			
<i>Public use</i> , Property taken, appropriated, or damaged, for.....	2	22	6
<i>Public welfare</i> , State may contract debts to provide for.....	12	12	43
<i>Public worship</i> , Equal liberty of, to be protected.....	2	25	6
<i>Publicity</i> of sessions of General Assembly.....	5	13	12
<i>Pulaski Chancery Court</i> —see <i>Court Pulaski Chancery</i> .			

*For copy of this publication, see p. xxiii.

	ART.	SEC.	PAGE.
<i>Punishment</i> , Cruel or unusual, not to be inflicted.....	2	9	4
of crime, by involuntary servitude.....	2	27	6
of members or other persons, for contempt or disorderly behavior in presence of either house of General Assembly.....	5	12	11
for contempt or disorderly behavior in presence of either house of General Assembly, not a bar to indictment for same offence.....	5	12	12
for offering consideration to public officer, to influence his action, or for acceptance, by officer, of such consideration.....	5	35	16
Proceedings to expel member of General Assembly for criminal offence, no bar to, under the criminal laws, for the same offence.....	5	36	16
for contempts, Power of General Assembly to regulate, when not committed in presence or hearing of court or in disobedience to process.....	7	26	27
for misuse of public moneys by officers of State, or members or officers of General Assembly.....	16	3	43
But see, also, <i>Penalties</i> .			
<i>Purchase-money</i> , No property, while in hands of vendee, to be exempt from execution for debts contracted for the.....	19	1	37

Q.

<i>Qualification to vote or hold office</i> , Religious test never to be required as a.....	2	26	6
of Governor, Failure of, Office how filled in case of.....	6	12	18
of a Governor concludes exercise, by Acting Governor, of gubernatorial functions.....	6	12	18
Refusal of by President of Senate, upon occurrence of vacancy in Governorship, Case of.....	6	13	18
of officers chosen at election held under Schedule to the Constitution.....	Sec	20, 21, 24	66
<i>Qualifications of voters</i> , General rule of.....	3	1	7
of voters, Exceptions to general rule of.....	3	5, 6, 7	8
of Senators and Representatives.....	5	4	10
See, also, for <i>special disqualifications</i>	5,—19	7, 8, 9, 11, 12,—55	12,—1

See, also, *Disqualifications*.

But for full digest of qualifications and disqualifications of members of General Assembly, see GENERAL ASSEMBLY, head of CONSTITUTION, etc., sub-head of *Qualifications of members*.

Each house of General Assembly to be sole judge of the, of its own members.....	5	11	11
for office of Governor.....	6	5	17
of Judges of Supreme Court.....	7	6	23
of Judges of Circuit Courts.....	7	16	25
of Special Judges of Circuit Courts.....	7	21	26
of Judges of County Courts.....	7	23	27
of Prosecuting Attorneys.....	7	24	26
of Justices of the Peace.....	7	41	30
of an elector, requisite in order to the holding of office.....	19	3	55
of surities upon official bonds of State and county officers.....	19	21	59
Militia officers, officers of public schools, and Notaries, eligible to executive or judicial offices.....	19	28	60
of voters at election under schedule.....	Sec	4	61
<i>Quartering of soldiers</i>	2	27	7
<i>Question</i> , elsewhere than in the house of General Assembly, for speech or debate there, prohibited.....	5	15	12
<i>Quorum</i> of Senate and House of Representatives.....	5	11	11
of Supreme court.....	7	2, 3	32
* <i>Quorum of the County</i>	7	30	27
to consist of the County Judge, sitting with, and assisted by, all the Justices of the Peace of the county.....	7	30	27
Functions of, to consist in levying the county taxes and making appropriations for the expenses of the county.....	7	30	27
County Judge and majority of the Justices of the Peace, to constitute the quorum.....	30		27

	ART.	SEC.	PAGE.
In absence of County Judge, majority of the Justices may constitute the Court, and elect one of their own number to preside.....	7	30	27
General Assembly to regulate by law the manner of compelling the attendance of a quorum.....	7	30	27
*See note at foot of page.			
<i>Quo-warranto</i> , Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....	7	4	22
Supreme Court may, in the exercise of the original jurisdiction, issue writs of, to Circuit Judges and Chancellors, and to officers of political corporations, when the question involved is the legal existence of such corporations.....	7	5	23
R.			
<i>Race</i> , No distinction in point of civil rights or duties, on account of.....	2	3	2
<i>Railroad companies</i>	17	..	48
Obligations or liabilities of, held or owned by State, never to be exchanged, transferred, remitted, postponed, or in any way diminished, by General Assembly, or released except by payment thereof into the State treasury.....	5	33	15
to be common carriers.....	17	1	48
Right of, to construct and operate railroads between any points within this State.....	17	1	48
Right of, to connect, at State line, with railroads of other States.....	17	1	48
Right of, to intersect, connect with, or cross, other roads.....	17	1	48
to receive and transport passengers, tonnage and cars, of other roads, without delay or discrimination.....	17	1	48
to maintain one office in the State, where transfers of stock shall be made.....	17	2	48
Books of to be kept at office, for inspection by stockholders and creditors.....	17	2	48
Books of, to show ownership, amounts, and transfers, of stock, and names and place of residence of officers.....	17	2	48
<i>Railroads</i> , Equal right of all individuals, corporations, etc., to transportation of persons and property over.....	17	3	48
<i>Railroad Companies</i> , Consolidation, lease, purchase, or control, of parallel or competing lines, of road, by, or by its lessees, purchasers, or managers, prohibited.....	17	4	49
Officers of, not to act as officers of similar corporations controlling parallel or competing lines.....	17	4	49
officers of prohibited from interest direct or indirect in furnishing materials or supplies to such company or in its business as common carrier.....	17	5	49
prohibited from making discrimination in charges, or facilities for transportation, by abatement, drawback, or otherwise.....	17	6	49
or their lessees, managers, or employes, prohibited from making preferences in furnishing cars or motive power.....	17	6	49
General Assembly to prevent, by law, grant of free passes by, to any officer of the State.....	17	7	50
laws to be passed to correct abuses, and to prevent unjust discrimination, and excessive charges by, etc.....	17	10	50
Rolling stock and all other movable property of, to be considered and treated as personal property, and to be liable to execution and sale.....	17	11	50
General Assembly to pass no law exempting movable property of, from execution and sale.....	17	11	50
Annual report of, to Auditor of Public Accounts.....	17	13	50
See, also, <i>corporations</i> .			
<i>Railroads, Canals, and Turnpikes</i>	17	..	48
<i>Railroads</i> to be public highways.....	17	1	48
Right to construct and operate.....	17	1	48
Connections and intersections of.....	17	1	48
Undue or unreasonable discrimination in charges, and in facilities of transportation, upon, prohibited.....	17	3	48
Rule of uniform charges for transportation upon.....	17	3	49
permitted to issue excursion and commutation tickets at special rates.....	17	3	49

	ART.	SEC.	PAGE.
<i>Railroad</i> , Question of parallelism or competition of lines of, to be decided by a jury, as in other civil issues.....	17	4	49
responsible for all damages to persons and property, under regulations prescribed by General Assembly.....	17	12	50
General Assembly to secure, as far as possible, the lives, health, and safety of travelers upon.....	19	18	58
<i>Rates of transportation</i>	17	1,3,6,10	48,49,50
<i>Ratio of representation in the House of Representatives</i>	8	1	32
of representation in the Senate.....	8	2	35
<i>Reading of bills</i>	5	22	13
<i>Real estate</i> , Tenure of (exclusively allodial).....	2	23	7
Courts of Common Pleas not to be vested with jurisdiction in matters involving title to.....	7	32	23
Jurisdiction prohibited to Justices of the Peace where lien on, or title, or possession to, involved.....	7	40	30
See <i>Real property</i> , below.			
<i>Real property</i> , Separate, of <i>feme covert</i>	9	7	39
Assessments on, for local improvements, in towns or cities.....	19	27	60
See <i>Real Estate</i> , above.			
<i>Rebellion</i> , Suspension of habeas corpus in case of.....	2	11	4
Power of Governor to call out volunteers or militia to repress.....	11	4	40
<i>Receipts of public money</i> , Publication of.....	19	12	57
<i>Receivers</i> , Homesteads subject to seizure under judgments against, for moneys collected by them.....	9	3	38
<i>Recess of Senate</i> , Power of Governor, in cases of treason, to grant respite of sentence in.....	6	18	20
<i>Recommendations</i> , by Governor, to General Assembly.....	6	8	18
<i>Recovery for injuries to person or property, or resulting in death</i>	5	32	15
<i>Recorder</i> , clerks of circuit courts (except in counties where separate County Clerk is chosen) to be.....	7	19	25
<i>Recovery of personal property</i> , suits for, Jurisdiction of Justice of the Peace in.....	7	40	29
<i>Reconsideration of bills returned, disapproved by Governor</i>	6	15	19
of joint and concurrent orders and resolutions disapproved by Governor.....	6	16	20
of items, disapproved by Governor, of bills making appropriations.....	6	17	20
<i>Record of official acts and proceedings of the Governor, Secretary of State to keep</i>	6	21	21
<i>Records</i> , official, to be turned over to officers chosen at first election.....	Se	21	66
of County Boards of Supervisors, Criminal Courts, and of probate business of Circuit Courts, to be transferred to Probate Courts, respectively.....	Se	23	66
<i>Recorder</i> ineligible to seat in either house of General Assembly.....	5	7	11
<i>Re-enactment of laws</i> , to be by publication at length.....	5	23	14
<i>Reformation</i> , of government, Right of the people to.....	2	1	2
<i>Reformatory purposes</i> , Corporations for.....	12	2	41
<i>Registration</i> , No law to be enacted whereby the right to vote at any election shall depend upon any previous, of the elector's name....	3	2	7
of voters at election under Schedule.....	Se	12	63
<i>Release of obligations or liabilities of corporations, held or owned by State, save by payment into the public treasury, prohibited</i>	5,12	33,12	15,43
<i>Relief</i> , grant of which is within jurisdiction of the courts, not to be granted by special law.....	5	25	14
<i>Religion</i> essential to good government.....	2	25	6
<i>Religious belief</i> , No person to be rendered incompetent as a witness, on account of his.....	2	26	6
<i>Religious denomination</i> , Each, to be protected in peaceable enjoyment of its own mode of public worship.....	2	25	6
<i>Religious establishment</i> , No preference ever to be given, by law, to any.....	2	24	6
<i>Religious liberty</i> , Acknowledgment of gratitude to God for.....	Pr	..	1
Perpetuation and security of, one of the objects of the Constitution.....	Pr	..	1
Natural and indefeasible right of.....	2	24	6
See also.....	2	26	6
<i>Religious test</i> , as qualification to vote or hold office, prohibited.....	2	26	6

INDEX TO CONSTITUTION.

clxxix

	ART.	SEC.	PAGE.
<i>Remission</i> of obligations or liabilities of corporations, held or owned by State, prohibited.....	5	33	15
of fines and forfeitures by Governor.....	6	18	20
of forfeiture of charters, Conditions of.....	17	8	50
<i>Remedial writs</i> , Judges of Supreme Court, severally to have power to issue.....	7	4	22
<i>Remedy</i> for injuries and wrongs, Right to.....	2	13	4
<i>Remonstrance</i> , Right of.....	2	4	3
<i>Removal</i> of Governor, Office how filled in case of.....	6	12, 13, 14	18
of President of Senate during vacancy in office of Governor, Governorship how filled in case of.....	6	13	18
of county and township officers by Circuit Courts.....	7	27	27
of State Geologist from office.....	10	2	40
from office, a punishment in cases of impeachment.....	15	1	45
of State officers, on address of General Assembly.....	15	3	45
of members of State Board of Supervisors of Election under Schedule.....	Se	7	62
<i>Repairing</i> of rooms used for meeting of General Assembly and its committees, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
<i>Replevin</i> , Jurisdiction of Justices of the Peace in.....	7	40	29
<i>Report</i> , Annual, of railroad companies, to Auditor of Public Accounts.....	17	13	50
<i>Reports</i> from officers of Executive Department, Governor may require.....	6	7	17
of departments, Printing, binding, and distributing of, to be performed under contract to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	15	57
<i>Reports to General Assembly</i> —see <i>General Assembly</i> , under sub-head of <i>Reports</i> to.			
<i>Reporter</i> of Supreme Court.....	7	7	23
<i>Representation</i> in the House of Representatives.....	8	1	32
in the Senate.....	8	2	35
<i>Representative capacity</i> , All elections by persons acting in, to be viva voce.....	3	12	9
<i>Representative in Congress</i> not to exercise office of Governor.....	6	11	18
<i>Representatives</i> , Classes disqualified to serve as.....	5, 19	7, 8, 9-1	11, 55
how chosen.....	5	2	10
Term of office of.....	5	2	10
Qualifications of.....	5	4	10
Election of, to fill vacancies.....	5	6	10
during term for which elected, not to be appointed or elected to any civil office under the State.....	5	10	11
qualifications, returns, and elections, of, House of Representatives to be sole judge of.....	5	11	11
punishable, by House, for contempt or disorderly behavior in its presence.....	5	12	11
Power of House to protect, against violence, offers of bribes, or private solicitations.....	5	12	11
<i>Expulsion</i> of.....	5	12, 36	11, 16
expelled for corruption, ineligible to either house.....	5	12	12
nevertheless be indicted therefor.....	5	12	12
Privilege of, of freedom from arrest.....	5	15	12
Privilege of, of freedom of speech and debate.....	5	15	12
Term of, to begin on day of their election.....	5	16	12
not to receive increase of pay during term for which elected, under any law passed during such term.....	5, 19	16, 11	12, 57
Per diem pay, and mileage, of.....	5, 19, Se	16, 11, 28	12, 57, 67
Apportionment of.....	8	1	32
Apportionment of, to be made only at first regular session after each census.....	8	4	37
not to be interested in contracts for stationery, paper, fuel, printing, binding, or distribution of documents, for State government, or repairing or furnishing halls and rooms of General Assembly.....	19	15	57
Oath of office of.....	19	20	58
First election for.....	Se	3	61
Grant of free passes to, by any railroad or transportation company, to be prevented by law.....	17	7	50

INDEX TO CONSTITUTION.

	ART.	SEC.	PAGE
First election of.....	Se	19	6
chosen at first election, Certificates of election of.....	Se	19	65
Salary and mileage of, during two years from adoption of Constitution.....	Se	28	67
<i>Representatives, House of, a constituent part of General Assembly.....</i>	5	1	10
how constituted.....	5	2	10
Term of office of members of.....	5	2	10
Election of members of.....	5	2	10
Qualifications of members of.....	5	4	10
Disqualifications for membership of.....	5,—19	7,8,9,12—1	11, 55
Vacancies in.....	5	6	10
No member of, during term for which elected, to be appointed or elected to any civil office under the State.....	5	10	11
to appoint its own officers.....	5	11	11
to be sole judge of qualifications, returns, and elections, of its own members.....	5	11	11
Quorum of.....	5	11	11
Powers of members less in number than quorum of.....	5	11	11
Power of, to determine rules of its proceedings.....	5	12	11
Power of, to punish for contempt or disorderly behavior in its presence.....	5	12	11
Power of, to enforce obedience to its process.....	5	12	11
Expulsion of members of.....	5	12	11
Member of, expelled for corruption, ineligible to either house...	5	12	12
Punishment by, for contempt or disorderly behavior, no bar to indictment for same offence.....	5	12	12
to keep journal of its proceedings.....	5	12	12
to publish journal, except such parts as require secrecy.....	5	12	12
to cause yeas and nays to be entered on journal, at desire of five members.....	5	12	12
Publicity for secrecy of sessions of.....		12	12
Joint or concurrent vote of both houses, on appointment of officers, to be entered on journal of.....		14	12
Members' privilege, of freedom from arrest.....	5	15	12
Members' privilege of, freedom of speech and debate.....	5	15	12
Term of members of, to begin on day of their election.....	5	16	12
Elections of presiding officer of.....	5	18	1
Presiding officer of, to be styled Speaker of the House of Representatives.....	5	18	13
<i>Per diem pay, and mileage, of members of.....</i>	5, 19	So 16, 11, 28	12, 57, 67
No member of, to receive increase or pay during term for which elected, under any law passed during such term.....	5, 19	16, 11	12, 57
Alteration or amendment of bills, on passage through, not to be such as to change their original purpose.....	5	23	13
Reading of bills in.....	5	22	11
Requirements for valid final passage of bills in.....	5	22	13
not to adjourn for more than three days, without consent of Senate.....	5	28	15
not to adjourn, without consent of Senate, to any other place than that in which the two houses shall be sitting.....	5	28	15
No new bill to be introduced into, during last three days of session.....	5	34	16
Proceedings to expel member of, for criminal offence, not to bar indictment and punishment for same offence.....	5	36	16
Speaker of, to receive, open, and publish in presence of both houses, the votes cast for officers of Executive Department.....	6	3	16
Governor to return to, with his objections, bills originating in, and by him disapproved.....	6	15	19
Proceedings in, upon bills returned, disapproved, by Governor.....	6	15	19
to enter at large, upon its journals, Governor's objections to bills originating in, and by him disapproved.....	6	15	19
Governor to return to, with his objections, joint and concurrent orders or resolutions, originating in, and by him disapproved.....	6	16	20
how constituted.....	8	1	32
Elections in, to be viva voce.....	3,5	12,14	9,12
Manner of filling vacancies in.....	5	6	10

	ART.	SEC.	PAGE.
<i>Representatives, House of</i> : No increase of salaries of members to be made, to take effect before meeting of next General Assembly.....	19	11	57
Case of disagreement between, and Senate, with respect to time of adjournment.....	6	20	21
Apportionment of Representatives.....	8	1,4	32,33,37
What officers subject to impeachment.....	15	1	45
to have the sole power of impeachment.....	15	2	45
Penalty upon members or officers of, making profit out of public moneys.....	16	3	46
Grant of free passes by railroad or transportation companies, to members of, to be prevented by law.....	17	7	50
Prohibition of interest, on the part of members, in contracts for stationery, printing, paper, fuel, for use of any department of government, or for repairing or furnishing the halls and rooms used for meetings of the General Assembly.....	19	15	57
Returns for members of.....	19	10	56
Stationery, printing, paper, fuel, and repairing and furnishing of halls and rooms for.....	19	15	57
Oath of office of members.....	19	20	58
Procedure in matter of amendments to Constitution.....	19	22	59
First election of members of, after adoption of Constitution.....	Sc	3, 16, 17, 19	61,64,65
Returns and certificates of first election for members of, after adoption of Constitution.....	Sc	16,17,19	64,65
Certificate of State Board of Supervisors of election under Schedule, to be made to the Speaker of.....	Sc	17	65
Announcement, by Speaker, of result of Election under Schedule, for Executive officers of State.....	Sc	17	65
Pay and mileage of members.....	5,19,Sc	16,11,23	12,57,67
See, also, GENERAL ASSEMBLY, under each principal head, sub-head of Senate, sub-head of House of Representatives.			
<i>Representatives, House of, Speaker of</i> —see <i>Speaker</i> .			
<i>Reprieve</i> , Governor, except in cases of treason and impeachment, to have power to grant, after conviction.....	6	18	20
in cases of treason, Governor's power to grant.....	6	18	20
Each case of, to be communicated, by Governor, to General Assembly, with his reasons therefor, and prescribed statement of particulars.....	6	18	20
<i>Republic</i> , genius of a, Perpetuities and monopolies declared contrary to.....	2	19	5
<i>Reputation</i> , Right of acquiring, possessing, and protecting, inherent and inalienable.....	2	2	2
<i>Residence</i> , Length of, required as qualification of voter.....	3	1	7
Soldiers, sailors, and marines, of the U. S., not to acquire by reason of being stationed in the State.....	3	7	8
Length of, required as qualification for office of Senator.....	5	4	10
Length of, required as qualification for office of Representative.....	5	4	10
Length of, required as qualification for office of Governor.....	6	5	17
Length of, required as qualification for office of Judge of Supreme Court.....	7	6	23
Length of, required as qualification for office of Judge of Circuit Courts.....	7	16	25
Length of, required as qualification for office of Prosecuting Attorney.....	7	24	26
Length of, required as qualification for office of Judge of County Court.....	7	29	27
Length of, required as qualification for office of Justice of the Peace.....	7	41	30
of State, district, county, and township, civil officers, to be within the limits of their respective jurisdictions.....	19	4	56
Absence on business of descriptions specified, to cause no forfeiture of.....	19	7	56
Length of, required of sureties upon official bonds of State and county officers.....	19	21	59
<i>Resident aliens</i> , Distinctions of law between, and citizens, in matters of property, forever prohibited.....	2	20	5
<i>Residents</i> of counties, cities, or towns, Right of, to appeal from allowances made for or against the same.....	7	51	32

	ART.	SEC.	PAGE.
<i>Residents</i> of the State, privileged in matter of exemption of personal property from seizure for debt.....	9	..	37
of the State, with exceptions stated, to compose the militia.....	11	1	40
<i>Resignation</i> of Governor, Office how filled in case of.....	6	12, 13, 14	18
of President of Senate, during vacancy in office of Governor, Governorship how filled in case of.....	6	13	13
of members of State Board of Supervisors of Election under Schedule.....	Sc	7	62
<i>Resolutions</i> requiring concurrence of both houses of General Assembly, except on questions of adjournment, to be presented to Governor, and, before taking effect, to be approved by him.....	6	16	20
requiring concurrence of both houses of General Assembly, except on questions of adjournment, if disapproved by Governor, to be repassed by both houses, as in case of bill.....	6	16	20
<i>Respite</i> of sentence in cases of treason, Power of Governor to grant, in recess of Senate.....	6	18	20
<i>Return</i> of bills disapproved by Governor.....	6	15	19
by Governor, of joint and concurrent orders or resolutions, disapproved, to be made as in case of bills.....	6	16	20
by Governor, of items, disapproved, of bills making appropriations.....	6	17	20
<i>Returning officers</i> of elections for officers of Executive Department, Duty of.....	6	3	16
<i>Returns</i> of election failing to record vote or ballot of qualified elector, such vote or ballot nevertheless to be counted upon trial of contest.....	3	11	9
Each house of General Assembly to be sole judge of, of its own members.....	5	11	11
for officers of Executive Department.....	6	3	16
to fill vacancy in office of Governor.....	6	14	19
for officers to be commissioned by the Governor, and members of the General Assembly.....	19	10	56
under Schedule.....	Sc	16, 17, 18, 19, 64, 65, 66	66
<i>Revenue</i> , Publication of receipts and expenditures of.....	19	12	57
See, also, <i>Taxes and Taxation</i> , etc., etc.			
<i>Review</i> of order of County Judge for issue of provisional writ in case of absence of Circuit Judge.....	7	37	29
<i>Revision</i> of the laws of the State.....	19	17	58
<i>Revival</i> of laws, not to be by reference to title only, but by re-enactment, and publication, at length, of portions revived.....	5	23	14
<i>Right</i> of the people to alter, abolish, or reform, government, in such manner as they may think proper.....	2	1	2
Citizen not to be deprived of, on account of race, color, or previous condition.....	2	3	2
of peaceable assembly, to consult for the common good.....	2	4	3
of petition, by address or remonstrance.....	2	4	3
to keep and bear arms, for the common defence.....	2	5	3
of free press.....	2	6	3
to free communication of thoughts and opinions.....	2	6	3
of trial by jury.....	2	7	3
to due process of law.....	2	8	3
of life, liberty, and property, Security for.....	2	8	3
to bail.....	2	8	4
of accused, to speedy and public trial by jury.....	2	10	4
of accused, to change of venue.....	2	10	4
of accused, to information of nature and cause of accusation.....	2	10	4
of accused, to copy of information.....	2	10	4
of accused, to be confronted with witnesses against him.....	2	10	4
of accused, to compulsory process for obtaining witnesses in his favor.....	2	10	4
of accused, to be heard by himself and his counsel.....	2	10	4
to a certain remedy, in the laws, for injuries and wrongs, to person, property, or character.....	2	13	4
to obtain justice, freely, completely, and properly, confirmably to the laws.....	2	13	4
to security against unreasonable searches and seizures.....	2	15	5
of property, before, and higher than, any constitutional sanction.....	2	22	6
of compensation for property taken or damaged for public use.....	22	22	23
of eminent domain.....	2,17	23,9	6,50

	ART.	SEC.	PAGE.
<i>Right of taxation</i>	2	23	6
of religious liberty.....	2	24	6
of conscience.....	2	24	6
of suffrage, Conditions of exercise of—general rule.....	3	1	7
of suffrage, Exceptions to general rule respecting exercise of.....	3	5,6,7	8
of suffrage, No power, civil or military, ever to interfere to prevent free exercise of.....	3	2	7
of suffrage, not to depend upon any previous registration of the elector's name.....	3	2	7
of suffrage, not to be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.....	3	2	7
of suffrage—See, further, Art. III, <i>passim</i> , and entries under <i>Elections</i> .			
to construct and operate railroads.....	17	1	48
of railroad companies, to intersect, connect with, or cross, other roads.....	17	1	48
State's, of eminent domain, over property and franchise of incorporated companies.....	17	9	50
<i>Right of action for injuries to person or property, or resulting in death</i> ...	5	32	15
<i>Right of way appropriated to use of corporations, Compensation for</i>	12	9	42
<i>Rights, Declaration of</i>	2	..	2
Declaration of, Enumeration in, of rights, not to be construed to deny or disparage others retained by the people.....	2	29	7
Declaration of, Everything contained in, excepted out of the general powers of the government, and forever to remain inviolate.....	2	29	7
Declaration of, All laws contrary to provisions of, to be void.....	2	29	7
Inherent and inalienable, of all men.....	2	2,24	2,6
Inherent and inalienable, of men, Governments instituted for security of.....	2	2	2
of accused, in criminal prosecutions for libel.....	2	6	3
of accused, in criminal prosecutions generally.....	2	8,9,10	3,4
Natural and indefeasible, of all men, in matters of religion and conscience.....	2	24	6
<i>Riot, Power of Governor to call out volunteers or militia to repress</i>	11	4	40
<i>Roads, Vacating of, not to be effected by special law</i>	5	24	14
County courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
<i>Rolling stock of railroads, to be considered and treated as personal property</i>	17	11	50
<i>Rooms used for committees of General Assembly, Repairing and furnishing of, to be performed under contract, to be given to lowest responsible bidder, below maximum price, under regulations to be prescribed by law</i>	19	15	57
<i>Rules of proceedings, Each house of General Assembly may determine its own</i>	5	12	11
Suspension of, to enable bill to be read more than once on same day.....	5	22	13

S.

Salaries [General provisions regarding:]

of members of General Assembly, General Assembly to provide no increase of, to take effect before meeting of next legislature.....	5, 19	16, 11	12, 5
of officers in the State, General Assembly to fix.....	16	4	46
not to be paid at rate other than par value.....	16	4	46
of clerks and employes of departments of State, to be fixed by law.....	16	4	46
of public officers, General Assembly to regulate deductions from, for neglect of duty.....	19	8	56
of State officers, not to be increased or diminished during their respective terms of office.....	19	11	56
fees, and perquisites of State, county, city, and town officers, not to exceed five thousand dollars, net profit, per annum in par funds.....	19	23	59
For all other provisions regarding salaries, see <i>Compensation</i> .			

	ART.	SEC.	PAGE.
<i>Safety</i> , public, Suspension of habeas corpus for, in certain cases.....	2	11	4
<i>Sailors</i> in service of U. S. not to acquire residence by being stationed in the State.....	3	7	8
<i>Schedule</i>	Se	..	60
Election held under provisions of—see <i>Election under Schedule</i> .			
<i>School apparatus</i> , exempt from taxation.....	16	5	47
<i>School buildings</i> , exempt from taxation.....	16	5	47
<i>School-districts</i> may be authorized, by vote of the electors of the district, to levy limited school-tax.....	14	c	44
See <i>School tax</i> , below.			
<i>School fund</i> , Money or property belonging to, not to be used for other than its proper purpose.....	14	2	44
<i>School tax</i> , State, not to exceed two mills per dollar, annually, on taxable property of the State.....	14	3	44
by the poll, prescribed.....	14	3	44
General Assembly may authorize school district, by a vote of the qualified electors of the district, to levy.....	14	3	45
of districts, not to exceed five mills per dollar, annually.....	14	3	45
of districts, to be appropriated only to its proper purpose, in the district where levied.....	14	3	45
<i>Schools</i> , free, The State ever to maintain a general, suitable, and efficient system of.....	14	1	44
public, Supervision and execution of laws regulating, to be vested as may be provided by General Assembly.....	14	4	45
free, Whom to receive gratuitous instruction in.....	14	1	44
General Assembly to provide, by general laws, for support of, by taxes specified.....	14	3	44
Poll-tax, for support of.....	14	3	44
Levy of State tax, and appropriations of money, to sustain, constitute exceptions to rule requiring majority of two-thirds of both houses of General Assembly.....	5	31	15
public, Officers of, eligible to seats in General Assembly.....	5	7	11
Officers of, eligible to executive or judicial office.....	19	26	60
Libraries and grounds used exclusively for purposes of, exempt from taxation.....	16	5	47
See, also, <i>Superintendent of Public Instruction, Universities</i> , and the entries immediately above.			
<i>Scrap</i> , Interest-bearing, State never to issue.....	16	1	46
<i>Seal of the State</i>	19	25	60
to be called the "Great Seal of the State of Arkansas"	6	9	18
to be kept by the Governor, and used by him officially.....	6	9	18
to be affixed to grants and commissions.....	6	10	18
<i>Scaled instruments</i> , concerning contracts between individuals, executed since adoption of Constitution of 1868, Rule respecting.....	Se	1	60
<i>Searches</i> , unreasonable, Right to security against.....	2	15	5
<i>Seat of Government</i> to be and remain at Little Rock.....	1	..	2
General Assembly to meet at.....	5	5	10
Sessions at place other than.....	5,—6	28,—19,20	15,—20,21
Officers of Executive Department to keep their offices, in person, at.....	6	1	16
Terms of Supreme Court to be held at.....	7	8	23
<i>Sebastian County</i> may have two districts, and two county seats, at which County, Probate, and Circuit Courts may be held (each district paying its own expenses).....	13	5	44
<i>Secrecy</i> of the ballot.....	3	3	8
Parts of journals of two houses of General Assembly, requiring, need not be published.....	5	12	12
<i>Secret sessions</i> of Senate and House of Representatives.....	5	13	12
<i>Secretary of State</i> , an officer of Executive Department.....	6	1	16
how chosen.....	6	3	16
Returns of election of.....	6	3	16
Case of tie in elections for.....	6	3	17
Contested elections for.....	6	4	17
Term of office of.....	6	1	16
Salary of, etc.....	19, Se	11, 28	56, 67
Salary of, during two years from adoption of Constitution.....	Se	28	67
Vacancy in office of.....	6	22	21
liable to impeachment.....	15	1	45

INDEX TO CONSTITUTION.

CXCV

	ART.	SEC.	PAGE.
<i>Secretary of State</i> , how removable upon address.....	15	3	45
to keep his office, in person, at seat of government.....	6	1	16
ineligible to seat in either house of General Assembly.....	5	7	11
to hold no office or commission, civil or military, in this, or under any, State, or the U. S., or any other power, at one and the same time.....	6	22	21
to perform such duties as may be prescribed by law.....	6	22	21
to keep full and accurate record of all official acts and proceedings of the Governor.....	6	21	21
to attest all grants and commissions.....	6	10	18
to discharge duties of Superintendent of Public Instruction, until otherwise provided by law.....	6	21	21
to lay before either branch of the General Assembly, when required, all official acts and proceedings of the Governor, with all papers, minutes, and vouchers, relating thereto.....	6	21	21
a member of Board of Canvassers of returns of election to fill vacancy in office of Governor.....	6	14	19
Returns of elections for officers to be commissioned by the Governor, and for members of General Assembly (except as otherwise provided by Constitution), to be made to.....	19	10	56
Bills disapproved by Governor, return of which has been prevented by adjournment of General Assembly, to be filed, with objections, in office of.....	6	15	19
Abstract of votes cast at election under Schedule, to be filed in office of.....	Sc	17	64
First election for.....	Sc	3	61
chosen at first election, Return and announcement of election of.....	Sc	17	64
first elected, when to enter upon discharge of his duties.....	Sc	17	65
<i>Security</i> of the people one of the objects of the institution of government.....	2	1	2
of life, liberty, property, reputation, and the pursuit of happiness, Governments instituted for.....	2	2	2
for life, liberty, and property.....	2	8	3
against unreasonable searches and seizures, Right to.....	2	15	5
<i>Seizures</i> , unreasonable, Right to security against.....	2	15	5
Seizure for debt—see <i>Exemptions</i> .			
<i>Senate</i> a constituent part of General Assembly.....	5	1	10
how constituted.....	5	3	10
Term of office of members of.....	5	3	10
Election of members of.....	5	3	10
Classification of members of, at first session, into those holding their places for two and four years, respectively.....	5	3	10
Qualifications of members of.....	5	4	10
Disqualifications for membership of.....	5,—19	7,8,9,12,—1	11,55
Vacancies in.....	5	6	10
No member of, during term for which elected, to be appointed or elected to any civil office under the State.....	5	10	11
to appoint its own officers.....	5	11	11
to be sole judge of qualifications, returns, and elections, of its own members.....	5	11	11
Quorum of.....	5	11	11
Powers of members less in number than quorum of.....	5	11	11
Power of, to determine rules of its proceedings.....	5	12	11
Power of, to punish for contempt or disorderly behavior in its presence.....	5	12	11
Power of, to enforce obedience to its process.....	5	12	11
Expulsion of members of.....	5	12	11
Member of, expelled for corruption, ineligible to either house.....	5	12	12
Punishment by, for contempt, or disorderly behavior, no bar to indictment for same offence.....	5	12	12
to keep journal of its proceedings.....	5	12	12
to publish journal, except such parts as require secrecy.....	5	12	12
to cause yeas and nays to be entered on journal, at desire of five members.....	5	12	12
Publicity or secrecy of sessions of.....	5	13	12
Joint or concurrent vote of both houses, on appointment of officers, to be entered on journal of.....	5	14	12
Vote of, on appointment of officers, to be viva voce, and entered on journal.....	3,5	12,14	9,12

	ART.	SEC.	PAGE.
<i>Senate</i> , Members' privilege of freedom from arrest.....	5	15	12
Members' privilege of freedom of speech and debate.....	5	15	12
Term of all members of, to begin on day of their election.....	5	16	12
Elections of presiding officer of.....	5	18	13
Presiding officer of, to be styled President of the Senate.....	5	18	13
Per diem pay, and mileage, of members of.....	5,19,Sc	16,11,28	12,57,67
No member of, to receive increase of pay during term for which elected, under any law passed during such term.....	5,19	16,11	12,57
Alteration or amendment of bills, on passage through, not to be such as to change their original purpose.....	5	21	13
Requirements in order to valid final passage of bills in.....	5	22	13
Reading of bills in.....	5	22	13
not to adjourn, for more than three days, without consent of House of Representatives.....	5	28	15
not to adjourn without consent of House of Representatives, to any other place than that in which the two houses shall be sitting.....	5	28	15
No new bill to be introduced into, during last three days of session.....	5	34	16
Proceedings to expel member of, for criminal offence, not to bar indictment and punishment for same offence.....	5	36	16
Governor to return to, with his objections, bills originating in, and by him disapproved.....	6	15	19
to enter at large, upon its journal, Governor's objections to bills originating in, and by him disapproved.....	6	15	19
Proceedings in, upon bills returned, disapproved, by Governor	6	15	19
Governor to return to, with his objections, joint and concurrent orders or resolutions, originating in, and by him disapproved.....	6	16	20
Proceedings in, in case of disapproval and return of joint and concurrent orders or resolutions, to be as prescribed in case of bills.....	6	16	20
Governor to return to, as prescribed in case of other bills vetoed, items, disapproved, of appropriation bills originating in.....	6	17	20
Proceedings in, in case of disapproval and return of items of appropriation bills, to be as prescribed in case of other bills.....	6	17	20
Advice and consent of, requisite to Governor's grant of pardon, in cases of treason, and, with exception stated, to his grant of respite of sentence in such cases.....	6	18	20
Vote of two-thirds of all members elected to, requisite to continuance of session after disposal of business set forth in Governor's proclamation calling extraordinary session.....	6	19	21
Record of official acts and proceedings of Governor, with all papers, minutes, and vouchers, relating thereto, to be laid before, by Secretary of State, when so required.....	6	21	21
Basis of representation in.....	8	2	35
Advice and consent of, in matter of reprieve or pardon in cases of treason.....	6	18	20
Case of disagreement between, and House of Representatives, with respect to time of adjournment.....	6	20	21
Arrangement of Senatorial Districts, until the enumeration of the inhabitants shall have been taken by U. S. government, A. D. 1880.....	8	2	35
<i>[For table showing apportionment of Counties and Senatorial Districts as prescribed until otherwise provided by General Assembly, see at close of index.]</i>			
Division of State into Senatorial Districts, how made.....	8	2	35
not to consist of less than thirty, nor more than thirty-five members.....	8	2	37
Senatorial Districts, at all times, to consist of contiguous territory.....	8	3	37
No county to be divided, in formation of Senatorial Districts.....	8	3	37
Division of State into Senatorial Districts, when, hereafter, to be made.....	8	4	37
Advice and consent of, in matter of appointment of State Geologist.....	10	2	40
Procedure in cases of impeachment.....	15	1,2	45
Penalty upon members or officers of, making profit out of public moneys, etc.....	16	3	46

INDEX TO CONSTITUTION.

cxcvii

	ART.	SEC.	PAGE.
<i>Senate</i> , Grant of free passes, by any railroad or transportation company, to members of, to be prevented by law.....	17	7	50
Returns for members of.....	19	10	56
No increase of salaries of members to be provided for, to take effect before next General Assembly.....	19	11	57
Stationery, printing, paper, fuel, and repairing and furnishing of halls and rooms for.....	19	15	57
Prohibition of interest, on the part of members, in contracts for stationery, printing, paper, fuel, for use of any department of government, or for repairing or furnishing halls and rooms used for meetings of the General Assembly.....	19	15	57
Members of, before entering on duties, to take and subscribe to oath or affirmation prescribed.....	19	20	58
Oath of office of members.....	19	20	58
Procedure in matter of amendments to Constitution.....	19	22	59
First election of members, after adoption of Constitution.....	Se	3,16, 17,18,19	61,64,65
Returns and certificates of first election for members of, after adoption of Constitution.....	Se	3,16,17,19	61,64,65
See, also, GENERAL ASSEMBLY, under each principal head, sub-head of <i>Senate</i> .			
<i>Senate</i> , President of—see <i>President of Senate</i> .			
<i>Senator of United States</i> not to exercise office of Governor.....	6	11	18
<i>Senatorial Districts</i> —see <i>Districts</i> , <i>Senatorial</i> .			
<i>Senators</i> , how chosen.....	5	3	10
Term of office of.....	5	3	10
Classification of, at first session, into those holding seats for two and four years, respectively.....	5	3	10
Qualifications of.....	5	4	10
Classes disqualified to serve as—see GENERAL ASSEMBLY, sub-head <i>Qualifications of members</i> , special paging (2.)			
Election of, to fill vacancies.....	5	6	10
during term for which elected, not to be appointed or elected to any civil office under the State.....	5	10	11
qualifications, returns, and elections, of, <i>Senate</i> to be sole judge of.....	5	11	11
punishable, by the <i>Senate</i> , for contempt or disorderly behavior in its presence.....	5	12	11
Power of <i>Senate</i> to protect, against violence, offers of bribes, or private solicitations.....	5	12	11
Expulsion of.....	5	12,36	11,16
expelled for corruption, ineligible to either house.....	5	12	12
punished, by <i>Senate</i> , for contempt or disorderly behavior, may nevertheless be indicted therefor.....	5	12	12
Privilege of, of freedom from arrest.....	5	15	12
Privilege of, of freedom of speech and debate.....	5	15	12
Term of, to begin on day of their election.....	5	16	12
not to receive increase of pay during term for which elected, under any law passed during such term.....	5,19	16,11	12,57
Per diem pay, and mileage, of.....	5,19,Se	16,11,23	12,57,67
Apportionment of.....	8	2,3	35,37
Apportionment of, to be made only at first regular session after each census.....	8	4	37
Penalty upon, for making profit out of public moneys, etc.....	16	3	46
Grant of free passes to, by any railroad or transportation company, to be prevented by law.....	17	7	50
Returns for, to whom made.....	19	10	56
not to be interested in contracts for stationery, paper, fuel, printing, binding, or distribution of documents, for State government, or repairing or furnishing halls or rooms for use of General Assembly.....	19	15	57
Oath of office of.....	19	20	58
First election for, after adoption of Constitution.....	Se	3,16, 17,19	61,64,65
Salary and mileage of, during two years from adoption of Constitution.....	Se	23	67
chosen at first election, Returns and certificates of election of...	Se	16,17,19	61,64,65
<i>Session</i> , First, of General Assembly, under this Constitution, may exceed sixty days in duration.....	5	17	12
first, of General Assembly, Time of meeting of.....	Se	22	66

	ART.	SEC.	PAGE.
<i>Sessions</i> , Regular, of General Assembly, when and where held.....	5	5	10
of each house of General Assembly, and of committees of the whole, to be open, unless when business is such as ought to be kept secret.....	5	13	12
regular biennial, of General Assembly, Duration of.....	5	17	12
of General Assembly, Adjournments of.....	5	28	15
Extraordinary, of General Assembly.....	6	19	20
of General Assembly, at place other than seat of government...	5,-6	28,-19,20	15,-20,21
<i>Sentence</i> , commutations of, Power of Governor to grant.....	6	18	20
Governor to communicate all pardons, etc., to General Assembly.....	6	18	20
in cases of treason, Power of Governor to grant respite of, in recess of Senate.....	6	18	20
<i>Separate Chancery Court of Pulaski County</i> —see <i>Court, Pulaski Chancery</i> .			
<i>Separate Criminal Courts</i> —see <i>Courts, Separate Criminal</i> .			
<i>Service</i> , military, Who subject to.....	11	1	40
<i>Servitude</i> , Involuntary, except as punishment for crime, prohibited.....	2	27	6
<i>Setting aside</i> of law or laws of the State, Power of, not to be exercised except by General Assembly.....	2	12	4
<i>Sheriffs</i> ineligible to seat in either house of General Assembly.....	5	7	11
Election of.....	7	46	31
Duties of.....	7	46	31
to be ex-officio collector of taxes, unless otherwise provided by law.....	7	46	31
See, also, OFFICERS, and <i>County officers</i> .			
<i>Signature</i> of Governor, to bills.....	6	15	19
of Governor, to joint and concurrent order or resolutions.....	6	16	20
of Governor, to parts, by him approved, of bills making appropriations.....	6	17	20
<i>Sixteenth Section Lands</i> , Proceedings relative to, or to money due therefor, transferred to counties where lands located.....	7	44	30
<i>Slavery</i> prohibited.....	2	27	6
<i>Soldiers</i> , Quartering of.....	2	27	7
<i>Soldiers</i> of U. S. not to acquire residence by being stationed in the State.....	3	7	8
<i>Solicitations</i> , private, Power of each house of General Assembly to protect its members against.....	5	12	11
<i>Speaker of the House of Representatives</i>	5	18	18
Elections of.....	5	18	13
Returns of election of officers of Executive Department to be forwarded to.....	6	3	16
Duty of, in matter of opening and publishing votes cast for officers of Executive Department.....	6	3	17
in case of concurrent vacancy in offices of Governor and President of Senate, or of absence of both officers from State, to act as Governor in like manner as provided for President of Senate.....	6	13,14	18
to certify (with President of the Senate), to Governor, fact of disagreement between the two houses of the General Assembly, with respect to time of adjournment.....	6	20	21
Abstract of votes, at election under Schedule, for State officers, to be certified and delivered to.....	Sc	17	64
to cast up and announce result of election, under Schedule, for State officers.....	Sc	17	64
<i>Special elections</i> —see under ELECTIONS.			
<i>Special sessions</i> of General Assembly.....	6	19	20
<i>Specific appropriation</i> , by law, requisite to drawing of money from treasury.....	5	29	15
<i>Speech</i> , Liberty of.....	2	6	3
freedom of, Privilege of, in General Assembly.....	5	15	12
<i>Standing army</i> not to be kept in time of peace.....	2	27	6
<i>State</i> of Arkansas, Boundaries of.....	1	1	1
Powers of government of, how divided.....	4	..	9
never to be made defendant in any of her courts.....	5	50	13
Great seal of the.....	6,19	9,25	18,60
Division of, into Senatorial districts.....	8	2	35
not, except as in Constitution otherwise provided, to become stockholder in, or subscribe to, or be interested in, stock of any corporation or association.....	12	7	42

	ART.	SEC.	PAGE.
SPECIAL LEGISLATION:*			
1. GENERAL PROVISIONS:			
No special law to be enacted in any case where a general law can be made applicable.....	5	25	14
The operation of no general law to be suspended, by the legislature, for the benefit of any particular individual, corporation, or association.....	5	25	14
Nor where the courts have jurisdiction to grant the powers, or the privileges, or the relief, asked for.....	5	25	14
General Assembly not to grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.....	2	18	5
Perpetuities and monopolies contrary to the genius of a republic, and not to be allowed.....	2	19	5
2. PROVISIONS PROHIBITING CLASS LEGISLATION:			
The equality of all persons before the law, recognized, and ever to remain inviolate.....	2	3	2
No citizen ever to be deprived of any right, privilege, or immunity, nor exempted from any burden or duty, on account of race, color, or previous condition.....	2	3	2
General Assembly not to grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.....	2	18	5
No hereditary emoluments, privileges, or honors, ever to be granted or conferred in this State.....	2	19	5
No distinction ever to be made by law, between resident aliens and citizens, in regard to the possession, enjoyment, or descent, of property.....	2	20	5
No preference ever to be given, by law, to any religious establishment, denomination, or mode of worship.....	2	24	6
No religious test ever to be required of any person as a qualification to vote or hold office †.....	2	26	6
No person to be rendered incompetent to be a witness, on account of his religious belief †.....	2	26	6
[†But nothing in the above two clauses is to be construed to dispense with oaths or affirmations.....	2	26	6
And no person who denies the being of a God shall hold office in the civil departments of this State, nor be competent to testify as a witness in any court].....	19	1	55
There shall be no slavery in this State, nor involuntary servitude except as a punishment for crime.....	2	27	6
3. SPECIFIC PROHIBITIONS OF SPECIAL LEGISLATION:			
General Assembly not to pass any local or special law:			
1. Changing the venue in criminal cases.....	5	24	14

* [NOTE.] The manifold restrictions placed upon special legislation, by the Constitution of 1868, gave rise to an erroneous popular opinion, still somewhat prevalent since the adoption of the present instrument, that *all* special legislation is prohibited. It may not be improper to suggest a correction of this error.

As elsewhere remarked, it follows, from the grant, to the General Assembly, of the general legislative power (Art. V, Sec. 1, p. 16), that such power is *absolute and unqualified*, except as limited, either expressly or impliedly, by the restrictions of the Constitution of the State, or of that of the United States. The Legislature, therefore, is clothed with authority to pass any special or local law, in its pleasure, that may be consistent with the observance of these prohibitions.

The general provisions of the Constitution of Arkansas, in this regard, are given in the 1st set of entries, under head of *Special Legislation*, above. Further requisites, in matter of *procedure*, are demanded by the Constitution, in order to the validity of passage of bills of this character. (See under the 4th set of entries.) The question of compliance, in the enactment of special laws, with the terms of the general provisions referred to, is in the first instance one for the discretion of the Legislature, and, in the end, for the decision of the courts. The Constitution, therefore, has set further prohibitions, in some instances specific, in others to be inferred only from the fact of a grant of legislative power being accompanied by the qualification, that it may be exercised "by general law." The latter class,—that of prohibitions only implied,—has been indicated, in the Index, above, by the use of the qualifying words, "(by intentment)," or "(by implication)." In this regard, as in others, the matter scarcely admits of entirely accurate classification.

Many species of special legislation are inhibited by provisions, express or implied, applicable alike to general and to special laws. These, of course, are not here collated. They are to be found, in the Index, under "GENERAL ASSEMBLY," sub-head of *Powers Denied*, and in every positive enactment of the Constitution.

	ART.	SEC.	PAGE.
SPECIAL LEGISLATION (continued.)			
2. Changing the names of persons.....	5	24	14
3. Adopting or legitimating children.....	5	24	14
4. Granting divorces.....	5	24	14
5. Vacating roads, streets, or alleys.....	5	24	14
No bill of attainder, ex post facto law, or law impairing the obligation of contracts, to be passed.....	2	17	5
No person to be taken, or imprisoned, or dis seized of his estate, freehold, liberties, or privileges, or outlawed, or in any manner destroyed, or deprived of his life, liberty, or property, except by the judgment of his peers, or the law of the land.....	2	21	5
No local or special bill to be passed, changing the venue in criminal cases.....	5	24	14
The State ever to maintain a <i>general</i> , suitable, and efficient system of free schools, whereby <i>all</i> persons in the State, between the ages of six and twenty-one years, may receive gratuitous instruction.....	14	1	44
(By intendment) provision for the support of common schools, by taxes, to be made by general laws only.....	14	3	44
(By intendment) the authorization of school districts to levy a special school district tax, to be by general law only.....	14	3	45
No lottery to be authorized by the State, nor the sale of lottery tickets allowed.....	19	14	57
For the restrictions imposed upon the formation of new counties, change of county lines, and of county-seats, with the exceptions thereto in the case of Lafayette, Pope, Johnson, and Sebastian counties (unnecessary here to reiterate) refer to Art. XIII, pp. 43, 44.			
All property subject to taxation to be taxed according to its value, that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State, No one species of property from which a tax may be collected to be taxed higher than another species of property of equal value.....	16	5	46
Assessments on real property for local improvements, in towns, and cities, to be based upon consent of a majority, in value, of the property-holders owning property adjoining the locality to be affected, may be authorized by the General Assembly, <i>such assessments, however, to be ad valorem, and uniform</i>	19	27	60
[For list of occupations and privileges subject to special taxation, see Art. XVI, Sec. 5, p. 47.			
For list of descriptions of property exempt from taxation, - see Art. XVI, Sec. 5, p. 46, and Art. IX, pp. 37 et seq.]			
(By intendment) the exemption from taxation, for the term of seven years from ratification of the Constitution, of the capital invested in any or all kinds of mining and manufacturing business in the State, to be by general law only.....	10	3	40
All laws exempting property from taxation, other than as provided in the Constitution, to be void.....	16	6	47
No State tax to be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion, and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.....	5	31	15
No special act to be passed, conferring corporate powers, except for charitable, educational, penal, or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the State.....	12	2	41
(By intendment) no corporations (with the exceptions stated in the above entry) Art. XII, Sec. 2, p. 41), to be formed except under general laws, which laws may, from time to time, be altered or repealed.....	12	6	42
[The operation of the above-cited clauses obviates the necessity of any enumeration, under this head,—such as would be required in case the conferment of special privileges of this character were tolerated,—of additional restrictions imposed upon the grant of corporate franchise. A few provisions, however, of more express restriction of legislative action, in this regard, are appended.]			

INDEX TO CONSTITUTION.

	ART.	SEC.	PAGE.
SPECIAL LEGISLATION (continued.)			
Except as in the Constitution provided, the State never to become a stockholder in, or subscriber to, or be interested in, the stock of any corporation or association.....	12	7	42
The stock or bonded indebtedness of no private corporation] to be increased except in pursuance of general laws, nor until the consent of the persons holding the larger amount, in value, of stock, shall be obtained, at a meeting held after notice given for a period of not less than sixty days, in pursuance of law.....	12	8	42
Any association or corporation, organized for the purpose, is [subject, of course, to vested rights acquired before the adoption of the present Constitution] to have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States.....	17	1	48
No law to be passed exempting from execution and sale the rolling stock or other movable property belonging to any railroad company or corporation in this State.....	17	11	50
No obligation or liability of any railroad, or other corporation, held or owned by this State, ever to be exchanged, transferred, remitted, postponed, or in any way diminished, by the General Assembly; and no such liability or obligation to be released except by payment thereof into the State treasury.....	5	33	15
Except as in this Constitution otherwise provided, the State never to assume or pay the debt or liability of any county, town, city, or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repel invasion, suppress insurrection, or to provide for the public welfare and defence.....	12	12	43
The power to tax corporations and corporate property not to be surrendered or suspended, by any contract or grant to which the State may be a party.....	16	7	47
The forfeiture of no charter of any corporation existing at date of adoption of Constitution to be remitted, or any such charter altered or amended, or any general or special law for the benefit of such corporation to be passed, except on condition that such corporation shall thereafter hold its charter, subject to the provisions of this Constitution.....	17	8	50
(By intendment), provision for organization of cities, and incorporated towns, and to restrict their power of taxation, assessment, borrowing money, and contracting debts, to be made by general laws only.....	12	3	41
<i>Peculiar conditions of passage of special appropriations:</i>			
No extra compensation to be made to any officer, agent, employe, or contractor, after the service shall have been rendered, or the contract made, unless such compensation be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.....	5	27	14
No money to be appropriated or paid on any claim, the subject-matter of which shall not have been provided for by pre-existing laws, unless such claim be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly.....	5	27	14
All appropriations other than those for the ordinary expense of the executive, legislative, and judicial departments of State, to be made by separate bills, each embracing but one subject..	5	30	15
No State tax to be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion, and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.....	5	31	15
[In addition to these conditions imposed upon the passage of special appropriations, the general restrictions of the Constitution, in regard to appropriations, are, of course, applicable.]			

	ART.	SEC.	PAGE.
SPECIAL LEGISLATION (continued.)			
4. GENERAL REQUIREMENTS OF PROCEDURE IN ORDER TO THE PASSAGE OF SPECIAL OR LOCAL LAWS :			
No local or special bill to be passed, unless notice of the intention to apply therefor shall have been published, in the locality where the matter or the thing to be affected may be situated.....	5	26	14
Such notice to be, at least, thirty days prior to the introduction, into the General Assembly, of such bill, and in the manner to be provided by law.....	5	26	14
The evidence of such notice having been published, to be exhibited in the General Assembly before such act shall be passed.....	5	26	14
5. EXPRESS CONCESSION OF RIGHT OF EMINENT DOMAIN :			
The State's ancient right of eminent domain and of taxation is in the Constitution fully and expressly conceded.....	2	23	6
The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use—the same as the property of individuals.....	17	9	50
<i>Special sessions</i> of General Assembly.....	6	19	20
<i>Specific appropriation</i> , by law, requisite to drawing of money from treasury.....	5	29	15
<i>Speech</i> , Liberty of.....	2	6	3
freedom of, Privilege of, in General Assembly.....	5	15	12
<i>Standing army</i> not to be kept in time of peace.....	2	27	6
<i>State of Arkansas</i> , Boundaries of.....	1	1	1
Powers of government of, how divided.....	4	..	9
never to be made defendant in any of her courts.....	5	50	13
Great seal of the.....	6,19	9,25	18,60
Division of, into Senatorial districts.....	8	2	35
not, except as in Constitution otherwise provided, to become stockholder in, or subscribe to, or be interested in, stock of any corporation or association.....	12	7	42
Assumption or payment of liabilities of corporations by.....	12	12	43
Indebtedness of corporations to, not to be released or discharged save by payment into the public treasury.....	12	12	43
never to loan its credit for any purpose whatever.....	16	1	46
never to issue interest-bearing treasury warrants or scrip.....	16	1	46
not to be party to contract or grant by which power to tax corporations shall be surrendered.....	16	7	47
<i>State Board of Supervisors of Election Under Schedule—see Supervisors of Election under Schedule, State Board of.</i>			
<i>State Geologist</i>	10	2	40
<i>State Lands, Commissioner of—See Commissioner of State Lands.</i>			
<i>State office</i> , General Assembly to create no permanent, not expressly provided for by Constitution.....	19	9	56
<i>State officers</i> , Salaries of, not to be increased or diminished during their respective terms of office.....	19	11	57
Maximum salaries of.....	19	11	56
(Prosecuting Attorneys excepted) not to receive to their own use any fees, costs, perquisites of office, or other compensation, beside their respective salaries.....	19	11	56
Oath of office of.....	19	20	53
Qualifications of sureties upon official bonds of.....	19	21	59
not to receive, directly or indirectly, for salaries, fees, and perquisites, more than five thousand dollars, net profit, per annum, in par funds.....	19	23	59
All, to pay into State treasury all sums by them received, in excess of five thousand dollars net profit, per annum, in par funds, chosen at first election, Return and announcement of.....	19	23	59
Salaries of, during two years from adoption of Constitution.....	So	17	64
	So	28	
The above entries are chiefly confined to cases where the word "State" is used, in the Constitution. See OFFICERS, Executive officers, Representatives, Senators, Judges, and, under sub-head of "Judges," each court.			
<i>State scrip</i> , Interest-bearing, State never to issue.....	16	1	46
<i>State, Secretary of—see Secretary of State.</i>			

	ART.	SEC.	PAGE.
<i>State tax</i> , unless authorized by vote of majority of two-thirds of both houses of General Assembly, to be allowed only for certain specified purposes.....	5	31	15
not to exceed, in the aggregate, one per cent. of assessed valuation of property of State for the year.....	16	8	47
<i>Statement</i> of receipt and expenditures of public money, Publication of.....	19	12	57
<i>Stationery</i> for use of State government, to be furnished by lowest responsible bidder, below maximum price, under regulations to be prescribed by law.....	19	19	57
for use of State government, Contract for furnishing, to be subject to approval of Governor, Auditor, and Treasurer.....	19	15	57
for use of State government, No member or officer of government to be interested in contract for furnishing.....	19	15	57
<i>Statutes of Limitation</i> —see <i>Limitation</i> .			
<i>Steamboat companies</i> prohibited from making discrimination in charges or facilities for transportation, by abatement, drawback, or otherwise.....	17	6	49
General Assembly to prevent by law, grant of free passes by, to any officer of the State.....	17	7	50
See, also, <i>Corporations</i> .			
<i>Stock</i> of railroad or other corporations, held or owned by State, not to be released except by payment thereof into State treasury.....	5	33	15
of railroad, canal, and turnpike companies, Amounts, ownership, and transfers of, to be recorded in books of company.....	17	2	48
Transfers of, of railroad, canal, and turnpike companies, to be made at their principal office in State.....	17	2	48
of parallel or competing lines of railroad or canal companies, Consolidation of, prohibited.....	17	4	49
of corporations, etc., State not, (except as in Constitution otherwise provided) to subscribe to.....	12	7	42
of private corporations, Restrictions upon issue and increase of.....	12	8	42
<i>Stockholders</i> in private corporations, Rights of, in matter of increase of stock or bonds of.....	12	8	42
<i>Streets</i> , Vacating of, not to be affected by special law.....	5	24	14
<i>Style</i> of laws.....	5	10	13
of Chief Magistrate of the State.....	6	2	16
of presiding Judge of Supreme Court, "Chief Justice".....	7	2	22
of writs and other judicial process.....	7	49	31
of indictments.....	7	49	31
<i>Subscriptions</i> to corporations, etc., by the State (with exceptions in Constitution set forth), prohibited.....	12	7	42
<i>Succession</i> in office, of officers of Executive Department.....	6	1	16
to office of Governor, in case of vacancy.....	6	12,13,14	18
in office, generally.....	19	5	56
<i>Suffrage</i> , Conditions of exercise of right of—general rule.....	3	1	7
Exceptions to general rule respecting exercise of right of.....	3	5,6,7	8
right of, No power, civil or military, ever to interfere to prevent free exercise.....	3	2	7
No law to be enacted whereby exercise of right of, shall depend upon any previous registration of elector's name.....	3	2	7
See, also, Art. III, <i>passim</i> , and entries under <i>Elections</i> .			
<i>Suits</i> against the State prohibited.....	5	20	3
relating to Sixteenth section lands, or to money due therefor....	7	44	30
by citizens of counties, cities, or towns, for general protection of inhabitants against enforcement of illegal exactions.....	16	13	46
not to abate because of change made in this Constitution.....	See	23	66
See <i>Actions</i> .			
<i>Superintendent of Public Instruction</i> , Secretary of State to discharge duties of, until otherwise provided by law.....	6	21	21
<i>Supersedes</i> , Supreme Court may issue writs of, in aid of its appellate and supervisory jurisdiction.....	7		22
<i>Supervisors</i> , County Boards of—see <i>County Boards of Supervisors</i> .			
<i>Supervisors' Courts</i> —see <i>Courts, County</i> .			
<i>Supervisors of Election</i> —see <i>Election</i> under <i>Schedule</i> , under sub-heads of <i>State Board of Supervisors of</i> , and <i>County Boards of Supervisors of</i> .			

	ART.	SEC.	PAGE.
<i>Supervisory jurisdiction of Supreme Court</i>	7	4	22
of Circuit Court.....	7	14	24
<i>Supreme Court—see Court, Supreme:</i>			
<i>Supreme executive power vested in Chief Magistrate, styled Governor, etc.</i>	6	2	16
<i>Sureties upon official bonds of State and county officers, Qualifications of</i>	19	21	59
<i>Surety of the peace, Case of, constitutes exception to Senators' and Representatives' privilege of freedom from arrest</i>	5	15	12
<i>Surnames not to be changed by special law</i>	5	24	14
<i>Surveyors, County, Election of</i>	7	46	31
County, Term of office of.....	7	46	31
Duties of.....	7	46	31
<i>Survival of right of action for injuries resulting in death</i>	5	32	15
<i>Suspension of habeas corpus</i>	2	11	4
of law or laws of the State, Power of, not to be exercised except by General Assembly.....	2	12	4
of general laws, by legislature, for benefit of particular individual, corporation, or association, prohibited.....	5	25	14

T.

<i>Taxation and Taxes</i>	16	..	46
State's ancient right of taxation fully and expressly conceded..	2	23	6
General Assembly may delegate power of taxation, with necessary restriction, to its subordinate political and municipal corporations, to extent of providing for their existence, maintenance, and well-being, but no further.....	2	23	6
General principles of taxation.....	16	5, 11	46, 47
for State purposes, Maximum rate of.....	16	8	47
For county purposes, Maximum rate of.....	16	9	47
of municipal corporations, Maximum rate of.....	12	4	41
Uniform rule of valuation of property, for purpose of.....	16	5	46
Laws imposing, to state distinctly the object of the tax.....	16	11	47
Moneys arising from, to be appropriated for specific purpose for which levied.....	16	11	47
State, unless authorized by vote of majority of two-thirds of both houses of General Assembly, to be allowed only for certain specified purposes.....	5	31	15
of corporations, Power of, not to be surrendered or suspended by any contract or grant to which the State may be a party....	16	7	47
Species of property exempt from.....	16	5	47
Exemption of capital invested in mining and manufacturing business in this State, from, Provision respecting.....	10	3	40
Homestead subject to seizure for.....	9	3	38
Laws exempting property from, other than as prescribed in Constitution, void.....	16	6	47
Sheriff to be ex-officio collector of.....	7	46	31
County, not to exceed one-half of one per cent., except an additional one-half of one per cent. to pay indebtedness existing at date of adoption of Constitution.....	16	9	47
of counties, towns, and cities, in what funds payable.....	16	10	47
not to be levied except in pursuance of law.....	16	11	47
county, County Courts to have exclusive original jurisdiction in all matters relating to.....	7	28	27
upon real property, for local improvements, in towns and cities.....	19	27	
county, Justices of the Peace to sit with County Judge in levying.....	7	30	
for support of common schools, General Assembly may provide for, by general laws.....	14	3	
State, for support of common schools, never to exceed two mills per dollar, annually.....	14	3	
Poll-tax of one dollar on every male inhabitant over twenty-one years, to be assessed for support of common schools.....	14	3	
General Assembly may by general laws authorize school districts to levy, by vote, tax not to exceed five mills, for school purposes.....	14	3	45
School district special tax to be appropriated only for its proper purpose, and in district where levied.....	14	3	45

INDEX TO CONSTITUTION.

CCV

	ART.	SEC.	PAGE.
<i>Tax-payers</i> of counties, cities, or towns, Right of, to appeal from allowances made for or against the same.....	7	51	32
<i>Tenure</i> of lands (exclusively allodial).....	2	28	7
<i>Tenures</i> , Feudal, of every description, with all their incidents, prohibited.....	2	28	7
<i>Term of office</i> of Representatives.....	5	2	10
of Senators.....	5	3	10
of members of General Assembly, to begin on day of their election.....	5	16	12
of Governor.....	6	1	16
of Secretary of State.....	6	1	16
of Auditor of State.....	6	1	16
of Treasurer of State.....	6	1	16
of Attorney-General.....	6	1	16
of appointees by Governor, in cases where no other method of filling vacancy is provided by Constitution and laws.....	6	23	21
of Judges of Supreme Court.....	7	6	23
of Clerk and Reporter of Supreme Court.....	7	7	23
of Judges of Circuit Courts.....	7	17	25
of Circuit Clerks.....	7	19	25
of Prosecuting Attorneys.....	7	24	25
of Judges of County Courts.....	7	29	27
of Judge of Pulaski Chancery Court.....	7	44	30
of Clerk of Pulaski Chancery Court.....	7	44	30
of county officers.....	7	46	31
of State Geologist.....	10	2	40
to continue until the election and qualification of successor.....	19	5	56
of officers chosen at election under Schedule.....	Sc	25	67
<i>Terms</i> of Supreme Court.....	7	8	23
of Circuit Courts.....	7	12	24
of County Courts.....	7	31	28
of Courts of Probate.....	7	34	28
<i>Test</i> , Religious, as qualification to vote or hold office, prohibited.....	2	25	6
<i>Testator</i> , Competency, in certain actions, of testimony as to transactions with or statements of.....	Sc	2	61
<i>Testimonial</i> to public officer, to influence his official action, Offer or acceptance of, constitutes felony.....	5	35	16
<i>Testimony</i> of atheists not receivable in court.....	19	1	55
of parties in civil actions.....	Sc	2	61
of executors, administrators, or guardians, in actions by or against them.....	Sc	2	61
But see, also, <i>Evidence</i> .			
<i>Thoughts</i> , Right to free communication of.....	2	6	3
<i>Tickets</i> , Excursion and commutation, may be issued, by railroads, at special rates.....	17	3	49
<i>Ties</i> , Case of, in elections for officers of Executive Department.....	6	3	17
<i>Title</i> to lands in this State, exclusively allodial.....	2	28	7
No law to be revived, amended, or its provisions extended or conferred, by mere reference to its.....	5	23	14
to real estate, Courts of Common Pleas not to be vested with jurisdiction in matters involving.....	7	32	28
to land, Jurisdiction prohibited to Justices of the Peace, where involved.....	7	40	30
<i>Towns</i> , General Assembly to provide, by general laws, for organization of.....	12	3	41
General Assembly to provide, by general laws, for specified restrictions of powers of.....	12	3	41
Restrictions upon powers of taxation and assessment by.....	12	3, 4	41
Restrictions upon powers of borrowing money and contracting debts by.....	12	3, 5	41
forbidden to pass laws contrary to the general laws of the State.....	12	4	41
not to become stockholders in any corporation, etc.....	12	5	41
not to appropriate any money for, or loan credit to, any corporation, individual, etc.....	12	5	41
Assumption of liabilities of, by the State.....	12	12	43
never to loan credit for any purpose.....	16	1	46
to issue no interest-bearing evidences of indebtedness, except bonds authorized by law to provide for and secure payment of indebtedness existing at date of adoption of Constitution.....	16	1	46

	ART.	SEC.	PAGE.
<i>Towns</i> , Assessments on real property for local improvements in, may be authorized by General Assembly.....	19	27	60
Taxes of, in what funds payable.....	16	10	47
Orders or warrants of, receivable for corporation taxes.....	16	10	47
Right of citizens to institute suit for general protection of inhabitants against enforcement of illegal exactions.....	16	13	48
Appeals from allowances made for or against.....	7	51	32
Power of Supreme Court to issue writs of quo warranto to officers of.....	7	5	23
Municipal Corporation Courts of.....	7	1	22
Corporation Courts of, Jurisdiction of.....	7	1,43	22,30
See <i>Municipal Corporations</i> .			
<i>Town and township officers</i> :			
[The entries under this head include all those where "town" or "township" officers are specifically referred to under that title. For provisions applicable to all officers, see <i>Office</i> , <i>Offices</i> , and <i>OFFICERS</i> . Those applying to each particular class of officers, are given under their proper heads in the Index. See, especially, <i>Municipal boards, commissions, and trusts, Municipal corporations, and Municipal offices</i> . See, also, <i>Qualifications, and Disqualifications</i> .]			
<i>Contested elections</i> .—In all cases of contested elections for any county, township, or municipal office, an appeal shall lie, at the instance of the party aggrieved, from any inferior board, council, or tribunal, to the Circuit Court, on the same terms and conditions on which appeals may be granted to Circuit Courts in other cases; and on such appeals the case shall be tried de novo.....	7	52	32
<i>Vacancies</i> —All vacancies occurring in any township office, to be filled by special election, save, that in case of vacancies occurring in county or township offices six months, and in other offices nine months, before the next general election, such vacancies shall be filled by appointment by the Governor.....	7	50	31
<i>Residences</i> .—All district, county, and township officers, shall reside within their respective districts, counties, and townships..	19	4	56
<i>Place of office</i> .—All district, county, and township officers shall keep their offices at such places, therein, as are now, or may hereafter be, required by law.....	19	4	56
<i>Compensation</i> .—No officer of this State, nor of any county, city, or town, shall receive, directly or indirectly, for salary, fees, and perquisites more than five thousand dollars, net profit, per annum, in par funds; and any and all sums in excess of this amount shall be paid into the State, county, city, or town treasury, as shall hereafter be directed by appropriate legislation.....	19	23	59
<i>First election for</i>	Se	3	61
<i>Transfer</i> of obligations or liabilities of corporations, held or owned by State, prohibited.....	5,12	33,12	15, 43
<i>Transfers of stock</i> of railroad, canal, and turnpike companies, to be made at their principal office in State.....	17	2	48
<i>Transportation</i>	17	1,3,6,7,10	48,49,50
See, also, <i>Railroads, Canals, Turnpikes, and Steamboats</i> .			
<i>Transportation Companies</i> , Certain, to be common carriers.....	17	1	48
<i>Travellers</i> , Security of life, health, and safety of.....	19	18	58
<i>Treason</i> against the State, Definition of.....	2	14	4
Requisites to conviction of.....	2	14	5
Case of, constitutes exception to elector's privilege of freedom from arrest.....	3	4	8
Case of, constitutes exception to Senators' and Representatives' privilege of freedom from arrest.....	5	15	12
Case of, constitutes exception to privilege of volunteers and militia from arrest, at musters, etc.....	11	3	40
Case of, an exception to Governor's unconditional power to grant reprieves, commutations of sentence, and pardons, after conviction.....	6	18	20
Governor to have power, by and with advice and consent of Senate, to grant reprieves and pardons in cases of.....	6	18	20
Governor may, in the recess of the Senate, respite sentence for, until adjournment of next regular session of General Assembly.....	6	18	20

	ART.	SEC.	PAGE.
<i>Treasurer of State</i> an officer of Executive Department.....	6	1	16
how chosen.....	6	3	16
Returns of election of.....	6	3	16
Contested elections for.....	6	4	17
Case of tie in elections for.....	6	3	17
Term of office of.....	6	1	16
Salary of, etc.....	19, Se	11, 23	56, 67
Salary of, during two years from adoption of Constitution.....	Se	23	67
Vacancy in office of.....	6	22	21
liable to impeachment.....	15	1	45
how removable upon address.....	15	3	45
ineligible to seat in either house of General Assembly.....	5	7	11
to hold no office or commission, civil or military, in this, or under any, State, or U. S., or any other power, at one and same time.....	6	22	21
to keep his office, in person, at seat of government.....	6	1	16
to perform such duties as may be prescribed by law.....	6	22	21
Publication of receipts and expenditures of public money.....	19	12	57
Contracts for stationery, paper, fuel, printing, and binding, for State government, distribution of laws and public documents, and repairing and furnishing halls and rooms of General Assembly, to be subject to approval of.....	19	15	57
Auditor to draw warrant upon, to defray expenses of election under Schedule.....	Se	27	67
First election for.....	Se	3	61
chosen at first election, Return and announcement of election of.....	Se	17	64
first elected, when to enter upon discharge of his duties.....	Se	17	65
<i>Treasurers of Counties</i> , Election of.....	7	46	31
Term of office of.....	7	46	31
Duties of.....	7	46	31
to be, ex-officio, treasurers of the common-school fund of the county.....	7	46	31
<i>Treasury of the State</i> , Money not to be drawn from, except in pursuance of specific appropriation by law, made in manner specified....	5	29	15
Moneys not to be paid out of, except in accordance with appropriations by law.....	16	12	48
Obligations or liabilities of railroad or other corporations, held or owned by State, not to be released except by payment thereof into.....	5, 12	33, 12	15, 43
Fees, costs, and perquisites of office, payable for services performed by State officers, Prosecuting Attorneys excepted, to be paid into, in advance.....	19	11	57
All officers to pay into, all sums by them received, in excess of five thousand dollars net profit, per annum, in par funds.....	19	23	59
Publication of receipts and expenditures in.....	19	12	57
<i>Treasury warrants</i> , interest-bearing, State never to issue.....	16	1	46
<i>Trial by jury</i> , <i>Right of</i>	2	7	3
to extend to all cases at law, without regard to amount in controversy.....	2	7	3
may be waived by the parties.....	2	7	3
Accused entitled to, in criminal prosecutions.....	2	10	4
to ascertain amount of compensation for property or right of way appropriated to use of corporations.....	12	9	42
in question of parallelism or competition of lines of railroads or canals.....	17	4	49
<i>See Jury.</i>			
<i>Trial</i> , Second, of accused, where jury divide in opinion.....	2	8	3
in criminal prosecutions, Division of opinion of jury, in.....	2	8	3
of appeals to Circuit Court, from allowances made for or against counties, cities, or towns, to be de novo.....	7	51	32
of appeals to Circuit Court in contested cases for county, township, or municipal offices, to be de novo.....	7	52	32
<i>Trust</i> , <i>Offices of</i> — <i>see Office, and Offices.</i>			
<i>Trustees of express trusts</i> , Homesteads subject to seizure under judgments for money due from, in their fiduciary capacity.....	9	3	23
<i>Trusts</i> , <i>Municipal</i> , Members of, aldermen not included, disqualified for service as officers of election.....	3	10	8

	ART.	SEC.	PAGE.
<i>Turnpike companies</i>	17	..	48
to maintain one office in the State, where transfers of stock shall be made.....	17	2	48
Books of, to be kept at office, for inspection of stockholders and creditors.....	17	2	48
Books of, to show ownership, amounts, and transfers, of stock, and names and places of residence of officers.....	17	2	48
Laws to be passed to correct abuses, and to prevent unjust discrimination, and excessive charges, by, etc.....	17	10	50
See, also, <i>Corporations</i> .			

<i>Turnpikes</i>	17	..	48
to be public highways.....	17	1	48
Equal right of all individuals, corporations, etc., to transportation of persons and property over.....	17	3	48
Undue or unreasonable discrimination in charges, and in facilities of transportation, upon, prohibited.....	17	3	48

U.

<i>Unconstitutional laws</i> to be void.....	2	29	7
<i>United States</i> , Office, appointment, or employment, under, disqualifies for service as officer of election.....	3	10	8
Militia, etc., called into actual service of, not commanded in chief by Governor.....	6	6	17
office or commission, Treasurer, Secretary, and Auditor, of State, and Attorney General, prohibited from holding.....	6	22	21
Enumeration of inhabitants by.....	8	1,2,4	33,35,37
Absence on business of, to cause no forfeiture of residence.....	19	7	56
<i>Army and Navy</i> —see <i>Army</i> , and <i>Navy</i> , respectively.			
<i>Universities</i> , Funds for benefit of, not to be used for other than their proper purpose.....	14	2	44
<i>Unsealed instruments</i> , concerning contracts between individuals, executed since adoption of Constitution of 1868, Rule respecting.....	Se	1	60
<i>Usury</i>	19	13	57

V.

<i>Vacancies</i> in General Assembly, Governor to issue writs of election to fill.....	5	6	10
<i>Vacancy</i> in office of Governor, how filled.....	5,—3	13,—12, 13,14	13,13
concurrent, in offices of Governor and President of Senate, Case of.....	6	13	18
in office of Governor, not happening within twelve months next before expiration of term of office for which he shall have been elected, Case of.....	6	14	18
in position of presiding officer of either house of General Assembly, to be filled by, election.....	5	18	13
in office of Treasurer, Secretary, or Auditor, of State, or of Attorney General, Governor to fill by appointment.....	6	22	21
in certain offices provided for in Art. VII of Constitution [i. e., judicial officers, and officers of courts].....	7	50	31
in county and township offices.....	7	50	31
in office, in case no mode is provided, by Constitution and laws, for filling the same, to be filled by appointment of Governor... ..	6	23	21
in office, Persons appointed to fill, must possess qualifications of electors.....	19	3	55
in State Board of Supervisors of Election under Schedule.....	Se	7	62
<i>Vacating</i> of roads, streets, or alleys, not to be effected by local or special law.....	5	24	14
<i>Vagrants</i> , County Courts to have exclusive original jurisdiction in matters relating to.....	7	28	27
<i>Valuation</i> of property, Assessors to receive no per centum upon.....	7	46	31
of property or right of way appropriated to use of corporations.....	12	9	42
Uniform, of property, for purpose of taxation.....	16	5	47

	ART.	SEC.	PAGE.
<i>Value</i> , to influence action of public officer, Offer or acceptance of, constitutes felony.....	5	35	16
<i>Venue</i> in criminal prosecutions.....	2	10	4
in criminal cases, not to be changed by local or special law.....	5	24	14
Change of, in criminal prosecutions.....	2	10	4
<i>Veto</i> of bills.....	6	15	19
of joint and concurrent orders and resolutions.....	6	16	20
of items of bills making appropriations.....	6	17	20
For full digest upon this subject, see under principal head of GENERAL ASSEMBLY, sub-head of <i>Vetoes</i> , special paging (6.)			
<i>Violence</i> , Power of each house of General Assembly to protect its members against.....	5	12	11
<i>Virtue</i> a safeguard of liberty and bulwark, of [free and good government.....	14	1	44
<i>Visits</i> , Absence on, to cause no forfeiture of residence.....	19	7	56
<i>Viva voce</i> , All elections by persons acting in representative capacity to be.....	3	12	9
Elections of officers, in General Assembly, to be.....	5	14	12
<i>Volunteer companies</i> of militia.....	11	2	40
<i>Volunteers</i> , Privilege of, from arrest.....	11	3	40
<i>Vote, Voters, and Voting</i> —see <i>Elections</i> .			
VOTES, IN GENERAL ASSEMBLY, REQUIRING OTHER THAN A MAJORITY OF A QUORUM, OF EITHER OR BOTH HOUSES:			
1. <i>Propositions requiring concurrence of less than a majority of a quorum of either house:</i>			
a. Number of members of either house, smaller than a quorum, may adjourn from day to day.....	5	11	11
b. Number of members of either house, smaller than a quorum, may compel the attendance of absent members, in such manner and under such penalties as each house shall provide.....	5	11	11
c. The yeas and nays, on any question, at the desire of five members, to be entered on the journals.....	5	12	12
2. <i>Propositions requiring concurrence of a majority of all the members elected to each house:</i>			
a. Passage, over veto, of bill returned by the Governor, with his objections.....	6	15	19
b. Passage, over veto, of joint or concurrent order or resolution, returned by the Governor, with his objections.....	6	16	20
c. Passage, over veto, of item or items, returned by the Governor, with his objections, of appropriation bill embracing distinct items.....	6	17	20
d. Proposed amendments to Constitution.....	19	22	59
3. <i>Proposition requiring concurrence of a majority of all the members elected to the two houses:</i>			
Election, in joint session of the two houses, of Governor, Secretary of State, Treasurer of State, Auditor of State, or Attorney General, in case of tie in popular vote.....	6	3	17
4. <i>Propositions requiring the concurrence of two-thirds of either house:</i>			
a. Expulsion of a member.....	5	12	11
b. Suspension of the rules in order to enable a bill to be read a second or third time on same day.....	5	22	13
c. Conviction, by the Senate sitting as a court of impeachment.....	15	2	
5. <i>Propositions requiring the concurrences of two-thirds of each house:</i>			
(1) Allowance of State tax, or (2) appropriation of money, except to raise means (a) for the payment of the just debts of the State, (b) for defraying the necessary expenses of government, (c) to sustain common schools, (d) to repel invasion, and (e) suppress insurrection.....	5	31	15

* The Editor does not undertake to decide whether, in this case, the affirmative vote of two-thirds of the Senators present, only, or of two-thirds of all the members elected to the Senate, is required, in order to conviction. The language of the Constitution is: "No person shall be convicted without the concurrence of two-thirds of the members thereof."

	ART.	SEC.	PAGE.
6. Propositions requiring the concurrence of two-thirds of all the members elected to each house:			
a. Extension of biennial session beyond sixty days (except (1) at first session under this Constitution, and (2) when impeachments are pending).....	5	17	12
b. Allowance of extra compensation to any officer, agent, employe, or contractor, after the service shall have been rendered, or the contract made.....	5	27	14
c. Appropriation or payment of money, on any claim the subject-matter of which shall not have been provided for by pre-existing laws.....	5	27	14
d. Extension of extraordinary session (such extension in no case to exceed fifteen days) after disposal of business set forth in Governor's proclamation convening the same.....	6	19	20
e. Joint address of the two houses, to the Governor, for the removal of Auditor, Treasurer, Secretary of State, Attorney General, Judges of the Supreme or Circuit Courts, Chancellors, or Prosecuting Attorneys.....	15	3	45
Vouchers relating to official acts and proceedings of Governor, to be laid, when so required, before either branch of the General Assembly.....	6	21	21

W.

Waiver of trial by jury, by consent of parties.....	2	17	3
War, Offences arising in militia in actual service in time of, or of public danger.....	2	8	3
Levyng of, against the State, to constitute treason.....	2	14	4
time of, Quartering of soldiers in.....	2	27	7
Ward, Competency, in certain actions, of testimony as to transactions with or statements of.....	Se	2	61
Warrant for search or seizure, Conditions of issue of.....	2	15	5
Warrants, treasury, Interest-bearing, State never to issue.....	16	1	46
of counties, towns and cities, receivable for taxes thereof, respectively.....	16	10	47
Watering of stock of private corporations, prohibited.....	12	8	42
Way, right of, Appropriation of, to use of corporations.....	12	9	42
Welfare, public, State may contract debts to provide for.....	12	12	43
Widow, Homestead exemption for benefit of.....	9	6,10	38,39
Wills, Jurisdiction in matters relative to probate of, vested in Courts of Probate.....	7	34	28
Witness against one's self in criminal cases, No person to be compelled to be.....	2	8	3
No person to be rendered incompetent as, on account of his religious belief.....	2	26	6
Witnesses not to be unreasonably detained.....	2	9	4
adverse, Right of accused to be confronted with.....	2	10	4
Right of accused to compulsory process for.....	2	10	4
Two, requisite to overt act, in cases of treason.....	2	14	5
Election officers summoned as, in judicial proceedings, or proceedings to contest an election, may be required to disclose how an elector voted.....	3	3	8
in trials of contested elections, and proceedings for investigation of elections, Rules as to self-crimination of, etc.....	3	9	8
Atheists disqualified to serve as.....	19	1	55
Competency of, in civil actions.....	Se	2	61
Worship, Liberty of.....	2	24,25	6
No preference ever to be given, by law, to any mode of.....	2	24	6
None rightfully compellable to attend, erect, or support, any place of.....	2	24	6
public, Each religions denomination to be protected in peaceable enjoyment of its own mode of.....	2	25	6
Writs of certiorari.....	7	4	22
of error.....	7	4	22
of habeas corpus.....	2,7,7	11,4,37	4,22,29
of habeas corpus, Suspension of.....	2	11	29
of injunction.....	7	37	29
of mandamus.....	7	4	22
Provisional.....	7	37	29

	ART.	SEC.	PAGE.
<i>Writs</i> of Quo-warranto.....	7	4,5	22,23
of prohibition.....	7	4	22
Remedial.....	7	4	22
of supersedeas.....	7	4	22
Style of.....	7	49	31
of election to fill vacancies in General Assembly, Governor to issue.....	5	6	10
Supreme Court, in aid of its appellate and supervisory jurisdiction, may issue, of error, supersedeas, certiorari, habeas corpus, prohibition, mandamus, quo-warranto, and others, of a remedial nature, and may hear and determine the same.....	7	4	22
to be issued, heard, and determined by Circuit Courts.....	7	14	24
Power of County Judge to issue, in absence, from county, of Circuit Judge.....	7	37	29
<i>Writing</i> , Liberty of.....	2	6	3
<i>Wrongs</i> , Right to remedy for.....	2	13	4

Y.

<i>Yeas and Nays</i> , at desire of five members of either house of General Assembly, to be entered on the journals.....	5	12	12
on final passage of bills, to be taken, and recorded on journal.....	5	22	13
upon passage of bills returned, by Governor, disapproved, to be entered on journals.....	6	15	19
Votes of both houses of General Assembly, on bills returned, by Governor, disapproved, to be determined by.....	6	15	19
upon passage of joint and concurrent orders or resolutions, returned by Governor, disapproved, to be entered on journals.....	6	16	20
upon passage of items, returned by Governor, disapproved, of appropriation bills, to be entered on journals.....	6	17	20
on proposed amendments to the Constitution, agreed to by a majority of all members elected to each house, to be entered on journals.....	19	22	59

APPORTIONMENT OF COUNTIES
TO
SENATORIAL DISTRICTS,

AS PRESCRIBED UNTIL, AFTER THE UNITED STATES CENSUS OF 1880.*

COUNTY.	DISTRICT.	COUNTY.	DISTRICT.
ARKANSAS.....	13th.	LEE.....	14th.
ASHLEY.....	17th.	LINCOLN.....	16th.
BAXTER.....	23d.	LITTLE RIVER.....	22d.
BENTON.....	24th.	LOGAN.....	8th.
BOONE.....	3d.	LONOKE.....	12th.
BRADLEY.....	18th.	MADISON.....	24th.
CALHOUN.....	19th.	MARION.....	23d.
CARROLL.....	3d.	[MILLER].....	21st.]
CHICOT.....	15th.	MISSISSIPPI.....	29th.
CLARK.....	30th.	MONROE.....	13th.
CLAY†.....	1st.	MONTGOMERY.....	30th.
COLUMBIA.....	21st.	NEVADA.....	20th.
CONWAY.....	26th.	NEWTON.....	3d.
CRAIGHEAD.....	1st.	OUACHITA.....	19th.
CRAWFORD.....	25th.	PERRY.....	10th.
CRITTENDEN.....	7th.	PHILLIPS.....	14th.
CROSS.....	7th.	PIKE.....	30th.
DALLAS.....	16th.	POINSETT.....	29th.
DESHA.....	15th.	POLK.....	22d.
DORSEY.....	16th.	POPE.....	4th.
DREW.....	17th.	PRAIRIE.....	12th.
FAULKNER.....	27th.	PULASKI.....	10th.
FRANKLIN.....	25th.	RANDOLPH.....	2d.
FULTON.....	23d.	SALINE.....	9th.
GARLAND.....	9th.	ST. FRANCIS.....	7th.
GRANT.....	9th.	SEARCY.....	26th.
GREENE.....	1st.	SEBASTIAN.....	28th.
HEMPSTEAD.....	20th.	SEVIER.....	22d.
HOT SPRING.....	9th.	SCOTT.....	28th.
HOWARD.....	22d.	SHARP.....	2d.
INDEPENDENCE.....	6th.	STONE.....	6th.
IZARD.....	23d.	UNION.....	18th.
JACKSON.....	29th.	VAN BUREN.....	26th.
JEFFERSON.....	11th.	WASHINGTON.....	5th.
JOHNSON.....	4th.	WHITE.....	27th.
LAFAYETTE.....	21st.	WOODBUFF.....	7th.
LAWRENCE.....	2d.	YELL.....	8th.

*For list of Senatorial Districts, reciting the counties composing each, see Constitution, Art. VIII, Sec. 2, p. 35.

†Name changed from that of Clayton County, by Act of General Assembly, approved December 6th, 1875.

‡Name changed from that of Sarber County, by Act of General Assembly, approved December 14th, 1875.

§Created by Act of General Assembly, approved December 22d, 1874, and therein assigned to the Twenty-first Senatorial District.

APPORTIONMENT OF COUNTIES
TO
JUDICIAL CIRCUITS,

AS PRESCRIBED UNTIL OTHERWISE PROVIDED BY THE GENERAL ASSEMBLY.*

COUNTY.	CIRCUIT.	COUNTY.	CIRCUIT.
ARKANSAS	11th.	LEE.....	1st.
ASHLEY.....	10th.	LINCOLN.....	11th.
BAXTER.....	3d.	LITTLE RIVER.....	8th.
BENTON.....	4th.	LOGAN†.....	5th.
BOONE.....	4th.	LONOKE.....	6th.
BRADLEY.....	10th.	MADISON.....	4th.
CALHOUN.....	9th.	MARION.....	4th.
CARROLL.....	4th.	[MILLER].....	9th.]
CHICOT.....	10th.	MISSISSIPPI.....	2d.
CLARK.....	8th.	MONROE.....	1st.
CLAY†.....	2d.	MONTGOMERY.....	8th.
COLUMBIA.....	9th.	NEVADA.....	9th.
CONWAY.....	7th.	NEWTON.....	4th.
CRAIGHEAD.....	2d.	OUACHITA.....	9th.
CRAWFORD.....	5th.	PERRY.....	7th.
CRITTENDEN.....	2d.	PHILLIPS.....	1st.
CROSS.....	2d.	PIKE.....	8th.
DALLAS.....	10th.	POINSETT.....	2d.
DESHA.....	11th.	POLK.....	8th.
DORSEY.....	10th.	POPE.....	5th.
DREW.....	10th.	PRAIRIE.....	1st.
FAULKNER.....	6th.	PULASKI.....	6th.
FRANKLIN.....	5th.	RANDOLPH.....	2d.
FULTON.....	3d.	SALINE.....	7th.
GARLAND.....	7th.	ST. FRANCIS.....	1st.
GRANT.....	7th.	SEARCY.....	4th.
GREENE.....	2d.	SEBASTIAN.....	5th.°
HEMPSTEAD.....	9th.	SEVIER.....	8th.
HOT SPRING.....	7th.	SCOTT.....	8th.
HOWARD.....	8th.	SHARP.....	3d.
INDEPENDENCE.....	3d.	STONE.....	3d.
IZARD.....	3d.	UNION.....	9th.
JACKSON.....	3d.	VAN BUREN.....	6th.
JEFFERSON.....	11th.	WASHINGTON.....	4th.
JOHNSON.....	5th.	WHITE.....	1st.
LAFAYETTE.....	9th.	WOODBUFF.....	1st.
LAWRENCE.....	3d.	YELL.....	5th.

*For list of Judicial Circuits, reciting the counties composing each, see Constitution, Art. XVIII, p. 51.

†Name changed from that of Clayton County; by Act of General Assembly, approved December 6th, 1875.

°Name changed from that of Sarber County; by Act of General Assembly, approved December 14th, 1875.

]Created, by Act of General Assembly, approved December 22d, 1874, and therein assigned to the Ninth Judicial Circuit.





RETURN TO the circulation desk of any
University of California Library
or to the

NORTHERN REGIONAL LIBRARY FACILITY
Bldg. 400, Richmond Field Station
University of California
Richmond, CA 94804-4698

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

- 2-month loans may be renewed by calling (510) 642-6753
- 1-year loans may be recharged by bringing books to NRLF
- Renewals and recharges may be made 4 days prior to due date.

DUE AS STAMPED BELOW

FEB 11 1997

YD 08538



