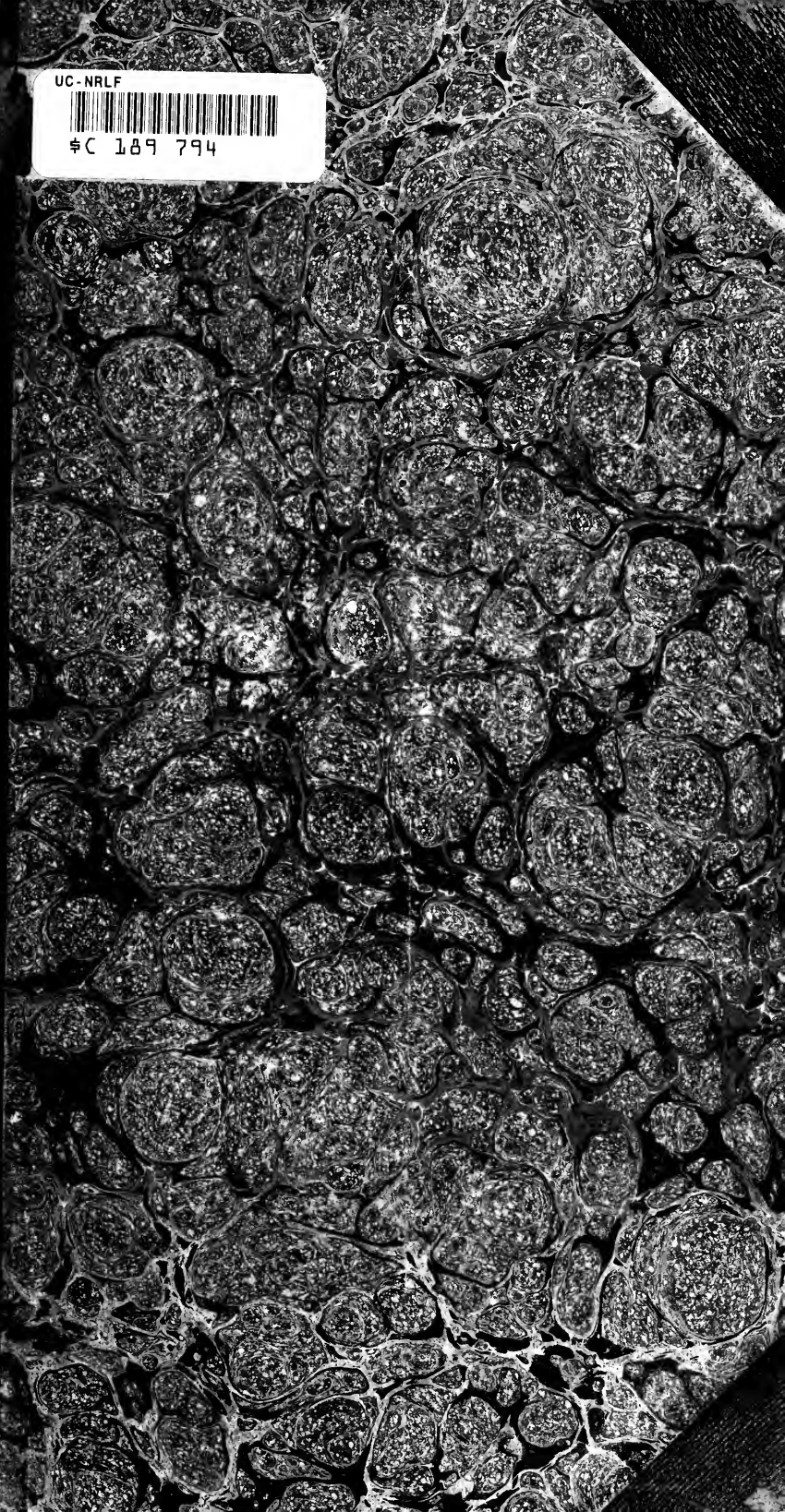


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THE  
CONSTITUTION  
OF THE  
STATE OF ARKANSAS.

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,

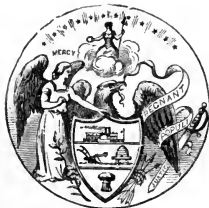
IN THE NATURE OF

A DIGEST.

By JAMES M. POMEROY,

OF THE BAR OF LITTLE ROCK.

By Authority.



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

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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.*

23609  
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.*

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**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>
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\* 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 faith-

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.

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## 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.]

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## 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 Conventions.....	Majorities against Conventions.....	COUNTIES.	For Convention.....	Against Convention.....	Majorities for Conventions.....	Majorities against Conventions.....
ARKANSAS.....	995	417	578	.....	LONOKE.....	1506	123	1383	.....
ASHLEY.....	639	11	628	.....	LINCOLN.....	918	694	224	.....
BENTON.....	2365	1	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.....	935	55	880	.....
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.....	1238	16	1222	.....	PRAIRIE.....	1103	400	703	.....
DALLAS.....	757	20	737	.....	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	34	491	.....	STONE.....	432	4	428	.....
FAULKNER.....	1233	31	1199	.....	SEABY.....	407	95	312	.....
GRANT.....	637	31	636	.....	SHARP.....	819	4	815	.....
GREEN.....	921	.....	921	.....	SEVIER.....	545	4	541	.....
HOWARD.....	825	37	788	.....	SEBASTIAN.....	2145	2	2143	.....
HEMPSTEAD.....	1330	9	1321	.....	SARBER.....	1218	101	1117	.....
INDEPENDENCE.....	629	43	586	.....	UNION.....	1834	1	1833	.....
GARLAND.....	758	133	625	.....	VAN BUREN.....	866	11	855	.....
IZARD.....	1870	18	1852	.....	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	326	821	.....	LONOKE.....	1500	83	1417	.....
BENTON.....	1924	79	1845	.....	LINCOLN.....	886	948	.....	62
BOONE.....	1374	65	1309	.....	MADISON.....	1143	111	1032	.....
BRADLEY.....	762	65	697	.....	MARION.....	936	19	917	.....
BAXTER.....	569	45	524	.....	MISSISSIPPI.....	936	26	910	.....
CALHOUN.....	594	11	583	.....	MONROE.....	985	744	241	.....
CARROLL.....	1011	6	1005	.....	MONTGOMERY.....	594	24	570	.....
CHICOT.....	417	1311	.....	894	NEWTON.....	402	157	245	.....
CLARK.....	1458	662	796	.....	NEVADA.....	1198	211	987	.....
COLUMBIA.....	1376	389	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.....	681	51	590	.....	SEABY.....	518	104	414	.....
GREENE.....	863	.....	863	.....	SHARP.....	945	28	917	.....
GARLAND.....	1046	82	964	.....	SEVIER.....	689	80	609	.....
HOWARD.....	798	315	483	.....	SEBASTIAN.....	1742	606	1136	.....
HEMPSTEAD.....	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.

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

## ARTICLE VI.

### EXECUTIVE DEPARTMENT.

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

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## SECTION

13. Impeachment, or other disability, of President of Senate, acting as Governor.
14. Election to fill vacancy in office of Governor.—Returns.—Contested election.
15. 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.
16. Concurrent orders and resolutions to be presented to Governor for approval.—Proceedings in case of veto.
17. Veto of items of appropriation bills.—Proceedings in such case.
18. General pardoning power —Pardoning power in cases of treason.—Information concerning pardons, etc., to be communicated to General Assembly.
19. Extra session of General Assembly, and convocation elsewhere than at seat of government.
20. Case of disagreement in General Assembly, as to time of adjournment.
21. Duties of Secretary of State.—Superintendent of Public Instruction.
22. Duties of other officers of Executive Department.—Their disqualification to hold other office.—Vacancies in their offices.
23. Vacancies in office, not elsewhere provided for.

## ARTICLE VII.

### JUDICIAL DEPARTMENT.

1. Judicial power, where vested.—Establishment of additional courts.
2. Supreme Court.—Chief Justice.—Quorum.
3. Increase of number of Judges of Supreme Court.
4. General Jurisdiction of Supreme Court.—Jurisdiction of individual Judges of Supreme Court.
5. Jurisdiction of Supreme Court in *quo warranto*.
6. Qualifications of Judges of Supreme Court.—Election.—Term of office.
7. Clerk and Reporter of Supreme Court.—Term of office.
8. Terms of Supreme Court.
9. Special Judges for Supreme Court.
10. Compensation of Supreme Judges.—Disqualification to hold other office.
11. General jurisdiction of Circuit Courts.
12. Terms of Circuit Courts,
13. Judicial circuits.—Judge of Circuit Court to reside and be conservator of peace in his circuit.
14. Superintending and appellate jurisdiction of Circuit Courts.
15. Equity jurisdiction of Circuit Courts.
16. Qualifications of Judges of Circuit Courts.
17. Election of Judges of Circuit Courts.—Term of office.
18. Compensation of Judges of Circuit Courts.—Disqualification to hold other office.
19. 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.
20. Interest, consanguinity, etc., to disqualify Judge from presiding at trial.
21. Special Judges for Circuit Courts.—Powers of Special Judges.—Their qualifications.
22. 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.

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## 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.

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### 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 politi-  
cal power.

Object of govern-  
ment.

Right of reform  
and abolition.

Natural freedom  
and independ-  
ence of men.  
Inalienable  
rights.

Origin of govern-  
ment.

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.**      **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.
- Numbering of ballots.**
- Secrecy of the ballot.**
- Privilege of electors.**      **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.
- Idiots and insane.**      **SEC. 5.** No idiot or insane person shall be entitled to the privileges of an elector.
- Corrupt violation of election laws to disqualify for office.**      **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.
- U. S. soldiers, sailors, and marines.**      **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.
- Time of holding general elections.**      **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.
- Testimony in cases of contested elections.**      **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.
- Causes of disqualification as election officer.**      **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 contest 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 *visa 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 Assembly.

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 Representatives.

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

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

SEC. 20. The State of Arkansas shall never be made State not to be sued in her courts. defendant in any of her courts.

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

SEC. 22. Every bill shall be read at length, on three Passage of bills. 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.

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-  
ployes, 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 appropria-  
tions 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,

Offices to be at seat of government.

Auditor of State, and Attorney General; all of whom shall

Terms of office.

keep their offices in person at the seat of government and hold their offices for the term of two years, and until their

Commissioner of State Lands.

successors are elected and qualified; and the General Assembly may provide by law for the establishment of the office of 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. subject 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.

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

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.

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.

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 number 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 jurisdiction 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 Supreme 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 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.

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.** 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.** 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.

**Terms.** 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.

**Appeals from 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.

**Special Judges for County and Probate Courts.** SEC. 37. The County Judge shall receive such compensation for his services as presiding Judge of the County Court,

**Compensation of County Judge.**

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.

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.

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.

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

His jurisdiction in absence of Circuit Judge from county.

Justices of the Peace. Election.

Term of office.

Commission.

Number of Justices of the Peace.

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 to  
keep the peace.

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

5th, To issue pro-  
cess.

Fifth—For the foregoing purposes, they shall have power to

6th, As conserv-  
tors of the peace.

issue all necessary process. Sixth—They shall be con-

Denied juri-  
s-diction in ques-  
tions 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

Election.

years; and shall be elected by the qualified voters of the State. All suits and proceedings which relate to sixteenth

Proceedings rela-  
tive to Sixteenth  
Section Lands.

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

**Term of office.** such duties, and receive such compensation as may be pre-

**Compensation.** scribed by law; Provided: That he shall be at all times

**Removal.** 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

**Organization of militia.** of 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.

**Volunteer companies,** 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.

**Privilege of militia from arrest, at muster, etc.** 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.

**Authority to call out volunteers and militia.** SEC. 4. The Governor shall, when the General Assembly is not in session, have power to call out the Volunteers or-

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 incor-  
poration laws.  
Power of altera-  
tion and revoca-  
tion.

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 corpora-  
tions, 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 in-  
crease 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, ta-  
ken 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 au-  
thorizing 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 corpora-  
tions.

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.

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

Poll-tax for School Fund.

the taxable property of the State; and by an annual *per capita* tax of one dollar, to be assessed on every male inhabi-

tant of this State over the age of twenty one years; Pro- School district  
 vided, The General Assembly may, by general law, author- tax.  
 ize 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.

SEC. 4. The supervision of public schools, and the execu- Supervision of  
 tion of the laws regulating the same, shall be vested in and public schools,  
 confided to, such officers as may be provided for by the Gen- etc.  
 eral 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 im-  
 power of impeachment. All impeachments shall be tried by peachment.  
 the Senate. When sitting for that purpose, the Senators Trial.  
 shall be upon oath or affirmation; no person shall be con-  
 victed without the concurrence of two-thirds of the members  
 thereof. The Chief Justice shall preside, unless he is em-  
 peached or otherwise disqualified, when the Senate shall  
 select a presiding officer.

SEC. 3. The Governor, upon the joint address of two Removal upon  
 thirds of the members elected to each House of the General address.  
 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, controlled 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 companies 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 CIRCUITS.

1st Circuit.

2d Circuit.

3d Circuit.

4th Circuit.

5th Circuit.

6th Circuit.

7th Circuit.

8th Circuit.

9th Circuit.

10th Circuit.

11th Circuit.

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

TERMS OF CIRCUIT COURTS.

#### 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 for office. only.

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.<sup>00</sup>: For Secretary of State the sum of \$2,500.<sup>00</sup>: For Treasurer the sum of \$3,000.<sup>00</sup>: For Auditor the sum of \$3,000.<sup>00</sup>: For Attorney-General the sum of \$2,500.<sup>00</sup>: For Commissioner of State Lands the sum of \$2,500.<sup>00</sup>: For Judges of the Supreme court each, the sum of \$4,000.<sup>00</sup>: For Judges of the Circuit Courts and Chancellors, each the sum of \$3,000.<sup>00</sup>: For Prosecuting Attorney the sum of \$400.<sup>00</sup>/<sub>100</sub>:

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 paupers,

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, publication, 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 miners and travelers.

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

Vacancies therein.

herein assigned them. Should a vacancy occur in said Board 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

Vacancies therein.

herein assigned to them; and vacancies occurring in the 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.**

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

**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 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 <sup>00</sup>/<sub>100</sub>; For Secretary of State the sum of \$2,000 <sup>00</sup>/<sub>100</sub>; For Treasurer the sum of

\$2,500 <sup>00</sup>: For Auditor the sum of \$2,500 <sup>00</sup>: For Attorney General the sum of \$2,000 <sup>00</sup>: For Commissioner of State Lands the sum of \$2,000 <sup>00</sup>: For Judges of the Supreme Court, each the sum of \$3,500 <sup>00</sup>: For Judges of Circuit and Chancery Courts each the sum of \$2,500 <sup>00</sup>: For Prosecuting Attorneys each the sum of \$400 <sup>00</sup>: For Members of the General Assembly the sum of \$6. <sup>00</sup> 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. ÆIPER, 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.  
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BENJAMIN F. WALKER, Delegate from Washington County.  
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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.]

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\* 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.

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\*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.

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## GENERAL ASSEMBLY.\*

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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.



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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
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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 :			
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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.....	Sc	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.....	Sc	17	65
First session under this Constitution, to commence on the first Tuesday after the second Monday in 1874.....	Sc	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
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## 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	13
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.



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b. <i>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
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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
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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
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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
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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	33
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\*For constitutional restrictions of powers of municipal corporations, see Art. XII, Secs. 4, 5, and 9, pp. 41, 42.

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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
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\*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."

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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
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\*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.

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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
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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
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## 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.*)

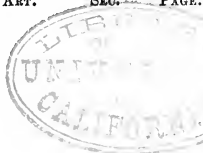
(22) "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state, on account of race, color or previous condition of servitude." (*Amendments, Art. XV, Sec. 1.*)

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.]



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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.....

No new bill to be introduced into either house, during the last three days of the session.....

Neither house shall:

adjourn, without the consent of the other, for more than three days.....

adjourn, without the consent of the other, to any other place than that in which the two houses shall be sitting.....

so alter or amend any bill, on its passage, as to change its original purpose.....

(by intendment) dispense with the reading of any bill at length, upon either of its readings.....

unless the rules be suspended by two-thirds of the house, cause a bill to receive more than one reading on the same day.....

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.....

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Neither house to propose more than three amendments to the Constitution at the same time.....

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.....

not to pass any law except by bill.....

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.....

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.....

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<b>GENERAL ASSEMBLY—Powers Denied (continued.)</b>			
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<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.]			
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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
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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
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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
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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
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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
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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
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\*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. SRC. 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.....

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 8 18

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, *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.\**

[NOTE.]

\*A GUIDE TO THE CONTENTS

OF THE DIGEST OF CONSTITUTIONAL PROVISIONS RESPECTING THE GENERAL ASSEMBLY.

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\* [NOTE.] The manifold restrictions placed upon special legislation, by the Constitution of 1863, 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.

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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
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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
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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.....	23th.
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.	WOODRUFF.....	1st.
LAWRENCE.....	3d.	YELL.....	5th.

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

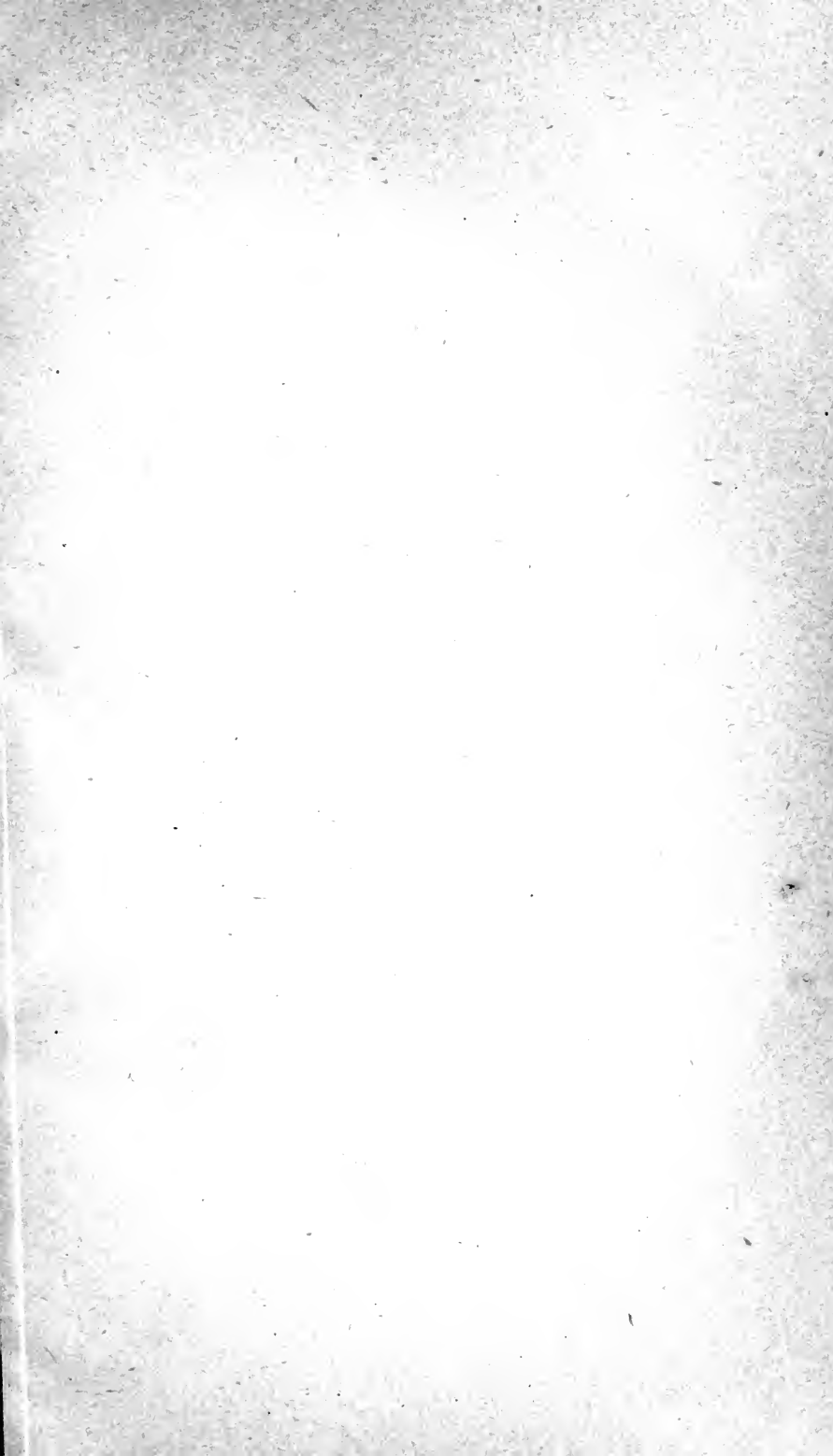
†Name changed from that of Clayton County; by Act of General Assembly, approved December 6th, 1875.

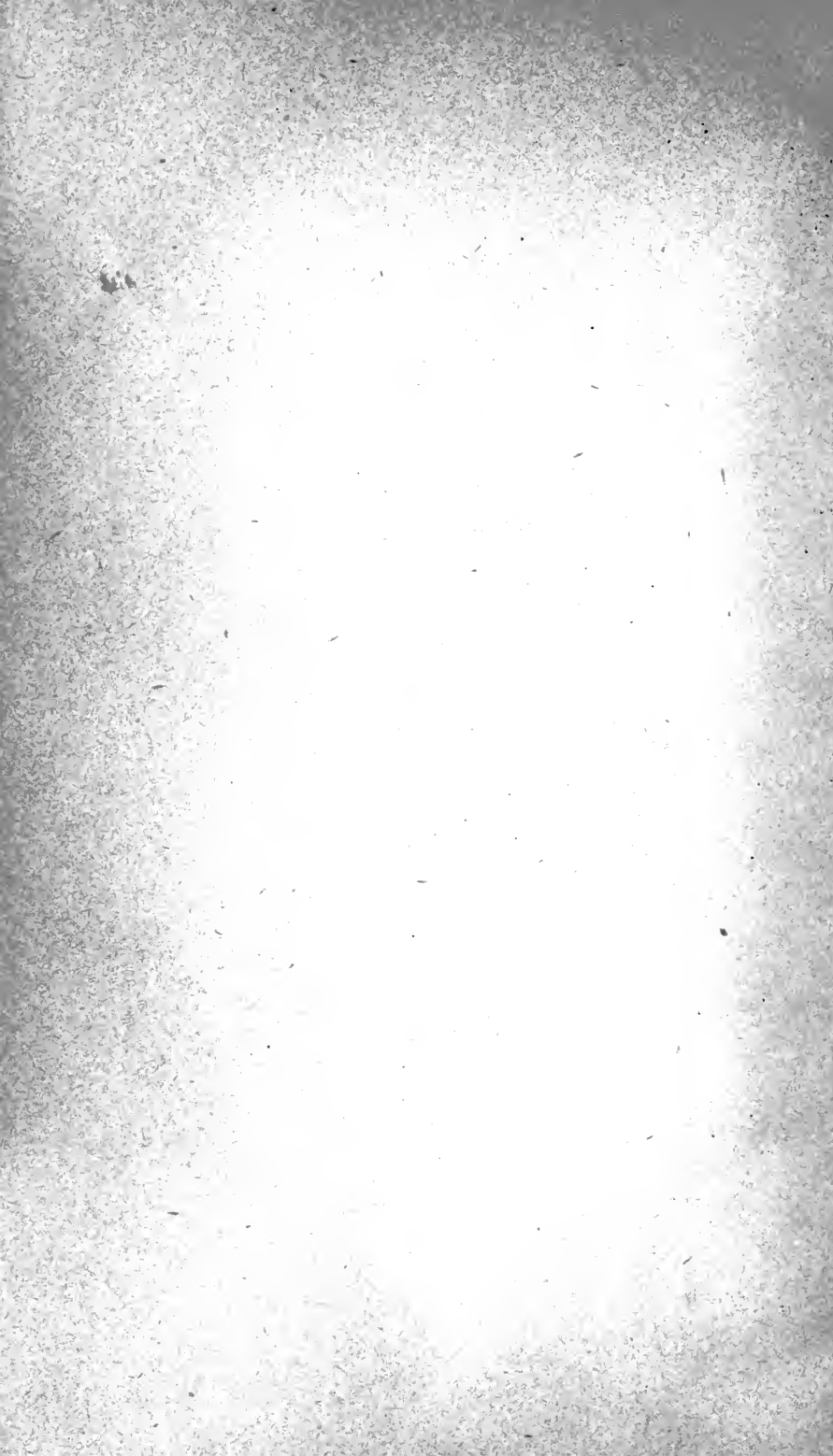
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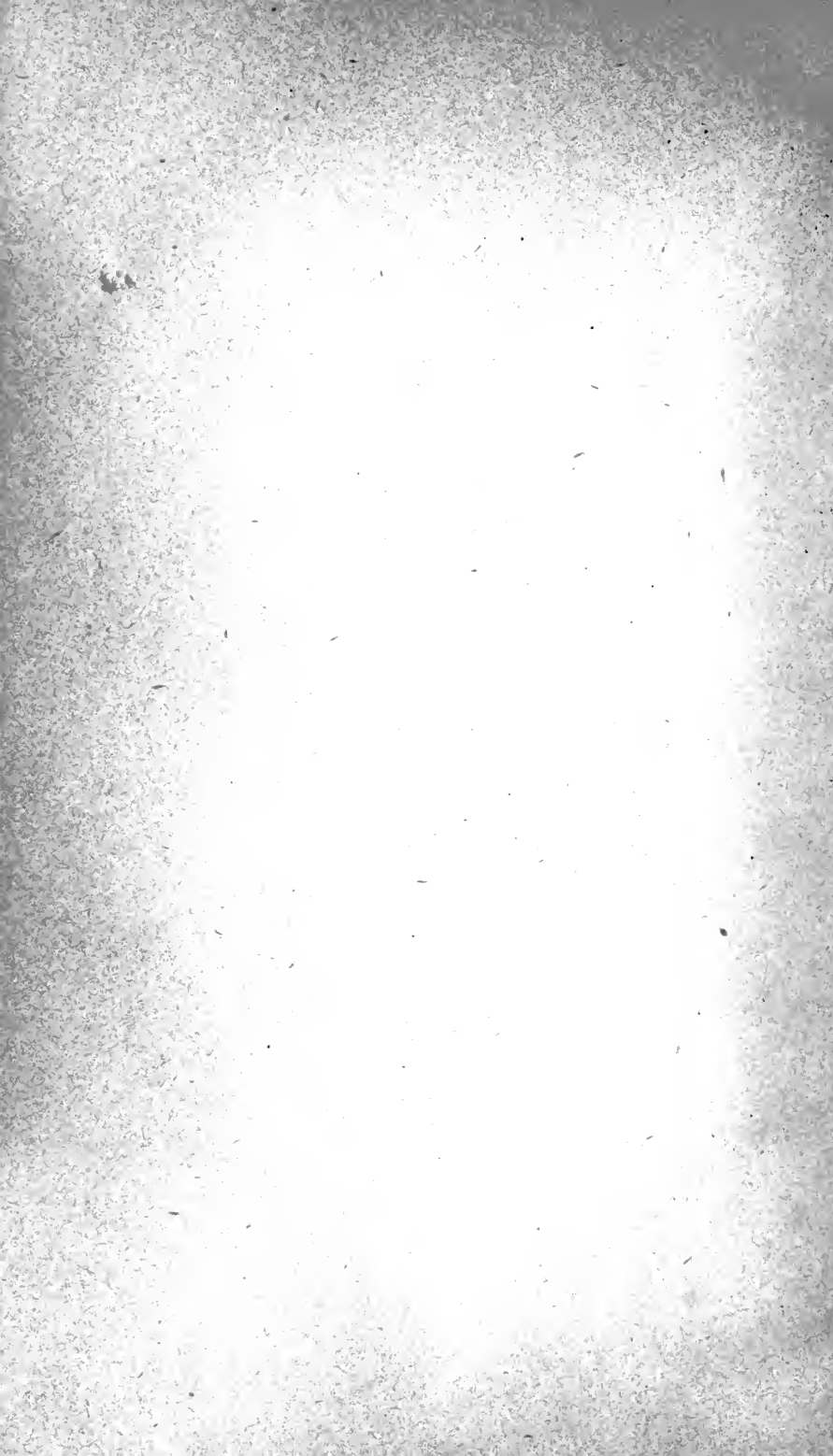














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