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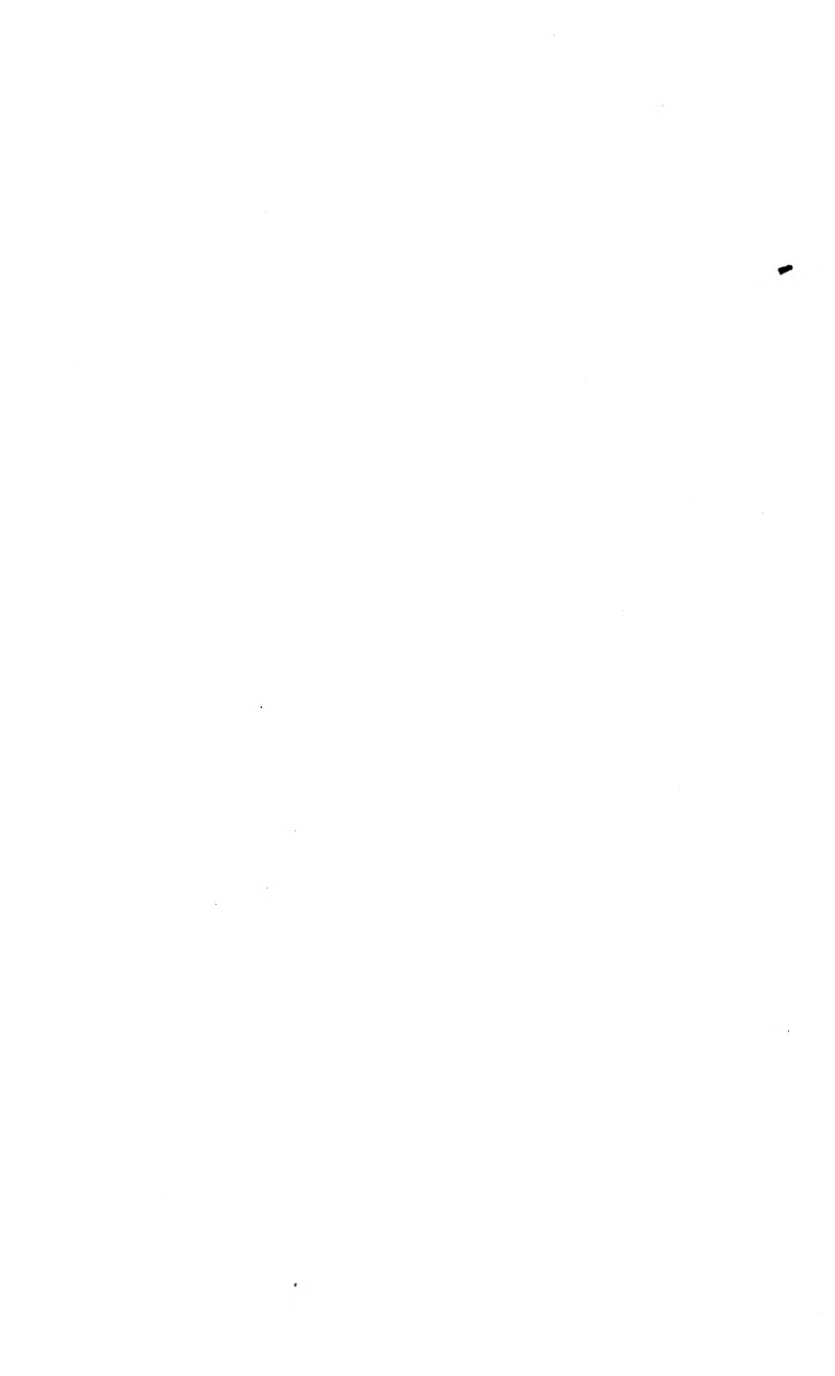
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CONSTITUTION

OF THE

STATE OF MISSISSIPPI,

AS AMENDED,

WITH THE

Orbinances and Resolutions

ADOPTED BY THE

CONSTITUTIONAL CONVENTION

AUGUST, 1865.

BY ORDER OF THE CONVENTION.

JACKSON, MISS.:

E. M. YERGER, STATE PRINTER

1865.

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CONSTITUTION

OF THE

STATE OF MISSISSIPPI,

ADOPTED OCTOBER 26TH, 1832;

*And as amended by the Convention held in August, 1865 ;
together with all the Amendments made prior to that
date, and left in force by said Convention.*



ARTICLE I.—DECLARATION OF RIGHTS.

THAT the general, great, and essential principles of liberty and free government may be recognized and established, *we declare :*

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

SECTION 2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and therefore they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

SECTION 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State; *Provided*, That

the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SECTION 4. No preference shall ever be given, by law, to any religious sect or mode of worship.

SECTION 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage in consequence of such opinions, except in cases provided for in this constitution.

SECTION 6. Every citizen may freely speak, write and publish his sentiments on all subjects; being responsible for the abuse of that liberty.

SECTION 7. No law shall ever be passed to curtail or restrain the liberty of speech, or of the press.

SECTION 8. In all prosecutions or indictments for libel, the truth may be given in evidence; 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 shall be acquitted, and the jury shall have the right to determine the law and the facts.

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

SECTION 10. That in all criminal prosecutions, the accused hath a right to be heard by himself or counsel, or both; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have a

compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy and public trial, by an impartial jury of the county where the offence was committed; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, but by due course of law.

SECTION 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offense, and legally applied.

SECTION 12. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the Court for misdemeanor in office: *Provided*, That the Legislature, in cases of petit larceny, assault, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury, and may authorize prosecutions before Justices of the Peace, or such other inferior court or courts as may be established by the Legislature; and the proceedings in such cases shall be regulated by law.

SECTION 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use without the consent of the Legislature, and without just compensation being first made therefor.

SECTION 14. That all Courts shall be opened, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law,

and right and justice administered, without sale, denial or delay.

SECTION 15. That no power of suspending laws shall be exercised except by the Legislature or its authority.

SECTION 16. That excessive bail shall not be required; nor excessive fines imposed; nor cruel punishments inflicted.

SECTION 17. That all prisoners shall, before conviction, be bailable by sufficient securities, except for capital offences, where the proof is evident, or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

SECTION 18. That the person of a debtor, when there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SECTION 19. No conviction, for any offence, shall work corruption of blood, or forfeiture of estate. The Legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts.

SECTION 20. No property qualification for eligibility to office, or for the right of suffrage, shall ever be required by law in this State.

SECTION 21. That the estates of suicides shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

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

SECTION 23. Every citizen has a right to bear arms in defence of himself and of the State.

SECTION 24. No standing army shall be kept up, without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SECTION 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; or, in time of war, but in a manner to be prescribed by law.

SECTION 26. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

SECTION 27. Emigration from this State shall not be prohibited; nor shall any free white citizen of this State ever be exiled, under any pretence whatever.

SECTION 28. The right of trial by jury shall remain inviolate.

SECTION 29. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both.

SECTION 30. No person shall ever be appointed or elected to any office in this State for life, or during good behavior; but the tenure of all offices shall be for some limited period of time, if the person appointed, or elected hereto, shall so long behave well.

CONCLUSION.

To guard against transgressions of the high powers herein delegated: WE DECLARE, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

CONSTITUTION OF MISSISSIPPI.

ARTICLE II.—DISTRIBUTION OF POWERS.

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

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

ARTICLE III.—LEGISLATIVE DEPARTMENT.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last four months within the county, city or town in which he offers to vote, shall be deemed a qualified elector. And any such qualified elector, who may happen to be in any county, city, or town other than that of his residence at the time of an election, or who shall have removed to any county, city or town within four months preceding the election, from any county, city, or town, in which he would have been a qualified elector, had he not so removed, may vote for any State or district officer or member of Congress, for whom he could have voted in the county of his residence, or the county, city, or town from which he may have so removed.

SEC. 2. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest, during their attendance on elections, and in going to and returning from the same.

SEC. 3. The first election shall be by ballot, and all future elections by the people shall be regulated by law.

SEC. 4. The legislative power of the State shall be vested in two distinct branches: the one to be styled "the Senate," the other "the House of Representatives;" and both together "the Legislature of the State of Mississippi." And the style of their laws shall be, "*Be it enacted by the Legislature of the State of Mississippi.*"

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of two years, from the day of the commencement of the general election, and no longer.

SEC. 6. The Representatives shall be chosen every two years, on the first Monday and day following in November.

SEC. 7. No person shall be a Representative unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Elections for representatives for the several counties, shall be held at the places of holding their respective courts, or in the several election districts into which the county may be divided: *Provided*, That when it shall appear to the legislature that any city or town hath a number of free white inhabitants, equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio; and thereafter and during the existence of the right of separate representation in such city or town, elections for the county in which such city

or town entitled to a separate representation is situated, shall not be held in such city or town: *And provided*, That if the residuum or fraction of any city or town, entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city or town, having the largest residuum, shall be entitled to such representation: *And provided also*, That when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if such residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The Legislature shall, at their first session, and at periods of not less than every four, nor more than every six years, until the year 1845, and thereafter at periods of not less than every four, and not more than every eight years, cause an enumeration to be made of all the free white inhabitants of this State; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, entitled to separate representation, according to the number of free white inhabitants in each; and shall not be less than thirty-six nor more than one hundred: *Provided, however*, That each county shall always be entitled to at least one representative.

SEC. 10. The whole number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of free white inhabitants in each, and shall never be less than one-fourth nor more than

one-third, of the whole number of representatives.

SEC. 11. The senators shall be chosen by the qualified electors, for four years; and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts into two classes, as nearly equal as can be. And the seats of the senators of the first class shall be vacated at the expiration of the second year.

SEC. 12. Such mode of classifying new additional senators shall be observed as will, as nearly as possible, preserve an equality of numbers in each class.

SEC. 13. When a Senatorial district shall be composed of two, or more, counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided, in forming a district.

SEC. 14. No person shall be a senator unless he be a citizen of the United States, and shall have been an inhabitant of this State for four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SEC. 15. The House of Representatives, when assembled, shall choose a speaker and its other officers; and the Senate shall choose a president and its officers, and each house shall judge of the qualifications and elections of its own members; but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 16. Each house may determine the rules of its own proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member. but

not a second time for the same cause ; and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

SEC. 17. Each house shall keep a journal of its proceedings, and publish the same ; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 18. When vacancies happen in either house, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

SEC. 19. Senators and Representatives shall, in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

SEC. 20. Each house may punish, by imprisonment during the session, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings : *Provided*, Such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be opened, except on such occasions of great emergency as, in the opinion of the house, may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house, and be amended, altered or rejected, by the other ; but no bill shall have the force of a law, until, on three several days, it be read in each house, and free discussion be allowed thereon, unless four-fifths of the house in which the bill

shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 24. All bills for raising revenue shall originate in the House of Representatives; but the Senate may amend or reject them, as other bills.

SEC. 25. Each member of the Legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 26. No senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people; and no member of either house of the Legislature shall, after the commencement of the first session of the Legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment of which may be made in whole or in part by either branch of the Legislature.

SEC. 27. No judge of any court of law or equity, secretary of state, attorney general, clerk of any court of record, sheriff, or collector, or any person holding a lucrative office under the United States, or this State, shall be eligible to the Legislature: *Provided*, That offices in the militia, to which there is attached no annual salary, and the office of justice of the peace, shall not be deemed lucrative.

SEC. 28. No person who hath heretofore been, or here-

after may be, a collector or holder of public moneys, shall have a seat in either house of the Legislature, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

SEC. 29. The first election for senators and representatives shall be general throughout the State, and shall be held on the first Monday and day following, in November, 1833; and thereafter, there shall be biennial elections for senators, to fill the places of those whose term of service may have expired.

SEC. 30. The first, and all future sessions of the Legislature, shall be held in the town of Jackson, in the county of Hinds, until the year 1850. During the first session thereafter, the Legislature shall have power to designate by law the permanent seat of government; *Provided, however,* That unless such designation be then made by law, the seat of government shall continue permanently at the town of Jackson. The first session shall commence on the first Monday in November, in the year 1833, and in every two years thereafter, at such time as may be prescribed by law.

SEC. 31. The Governor, Secretary of State, Treasurer, Auditor of Public Accounts, and Attorney General, shall reside at the seat of government.

ARTICLE IV.—JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this State shall be vested in one High Court of Errors and Appeals, and such other courts of law and equity as are hereafter provided for in this Constitution.

SEC. 2. The High Court of Errors and Appeals shall consist of three judges, any two of whom shall form a quorum. The Legislature shall divide the State into

three districts, and the qualified electors of each district shall elect one of said judges for the term of six years.

SEC. 3. The office of one of said judges shall be vacated in two years, of one in four years, and of one in six years : so that at the expiration of every two years, one of said judges shall be elected as aforesaid.

SEC. 4. The High Court of Errors and Appeals shall have no jurisdiction but such as properly belongs to a court of errors and appeals.

SEC. 5. All vacancies that may occur in said courts, from death, resignation or removal, shall be filled by election as aforesaid : *Provided, however,* That if the unexpired term do not exceed one year, the vacancy shall be filled by executive appointment.

SEC. 6. No person shall be eligible to the office of judge of the High Court of Errors and Appeals, who shall not have attained, at the time of his election, the age of thirty years.

SEC. 7. The High Court of Errors and Appeals shall be held at least once in each year at the seat of government, and at such other place or places in the State as the Legislature may direct.

SEC. 8. The Secretary of State, on receiving all the official returns of the first election, shall proceed, forthwith, in the presence and with the assistance of two justices of the peace, to determine by lot among the three candidates having the highest number of votes, which of said judges elect shall serve for the term of two years, which shall serve for the term of four years, and which shall serve for the term of six years ; and having so determined the same, it shall be the duty of the Governor to issue commissions accordingly.

SEC. 9. No judge shall sit on the trial of any cause,

when the parties or either of them shall be connected with him by affinity or consanguinity, or when he may be interested in the same, except by consent of the judge and of the parties; and whenever a quorum of said court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge, for the determination thereof.

SEC. 10. The judges of said court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 11. The judges of the Circuit Court shall be elected by the qualified electors of each judicial district, and hold their offices for the term of four years, and reside in their respective districts.

SEC. 12. No person shall be eligible to the office of judge of the Circuit Court who shall not at the time of his election, have attained the age of twenty-six years.

SEC. 13. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than twelve counties.

SEC. 14. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases only when the principal of the sum in controversy exceeds fifty dollars.

SEC. 15. A Circuit Court shall be held in each county of this State, at least twice in each year; and the judges of said courts shall interchange circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

SEC. 16. A separate Superior Court of Chancery shall be established, with full jurisdiction in all matters of equity: *Provided, however,* The Legislature may give to

the Circuit Court of each county, equity jurisdiction in all cases where the value of the thing, or amount in controversy, does not exceed five hundred dollars: also, in all cases of divorce, and for the foreclosure of mortgages. The chancellor shall be elected by the qualified electors of the whole State, for the term of six years, and shall be at least thirty years old at the time of his election.

§ 17. The style of all process shall be, "The State of Mississippi;" and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi;" and shall extend against the peace and dignity of the same.

§ 18. A Court of Probates shall be established in each county in this State, with jurisdiction in all matters relating to the estate and administration, in minors' business and settlement of dower, in cases of filioy and livery, and of persons *non compos mentis*. The judge of said Court shall be elected by the qualified electors of the respective county, and shall hold office for two years.

§ 19. The chief justice of the High Court of Errors and Appeals shall be elected by the said court, for the term of six years; the judges of the probate and other inferior courts shall be elected by the qualified electors of the respective counties, and shall hold their offices for the term of two years.

§ 20. The qualified electors of each county shall elect every two years, or the term of two years, who shall constitute a board of police for each county, a majority of whom may transact business: which body shall have full jurisdiction over roads, highways, ferries, and bridges, and all other matters of county police; and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The clerk of the

Court of Probate shall be the clerk of the board of county police.

SEC. 21. No person shall be eligible as a member of said board, who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established until one year after organization; and all vacancies that may occur in said board, shall be supplied by election as aforesaid to fill the unexpired term.

SEC. 22. The judges of all the courts of this State, and also the members of the board of county police, shall in virtue of their offices be conservators of the peace, and shall be by law vested with ample powers in this respect.

SEC. 23. A competent number of justices of the peace and constables shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their offices for the term of two years: the jurisdiction of justices of the peace shall be limited to cases in which the principal of the amount in controversy shall not exceed fifty dollars: in all cases tried by a justice of the peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law.

SEC. 24. The Legislature may from time to time establish such other inferior courts as may be deemed necessary, and abolish the same whenever they shall deem it expedient.

SEC. 25. There shall be an Attorney-General elected by the qualified electors of the State; and a competent number of District Attorneys shall be elected by the qualified electors of their respective districts: whose compensation and term of service shall be prescribed by law.

SEC. 26. The Legislature shall provide by law for determining contested elections of judges of the High Court of

Errors and Appeals, of the Circuit and Probate Courts, and other officers.

SEC. 27. The judges of the several courts of this State, for wilful neglect of duty or other reasonable cause, shall be removed by the Governor, on the address of two-thirds of both houses of the Legislature; the address to be by joint vote of both houses. The cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journal of each house. The judge so intended to be removed, shall be notified and admitted to a hearing in his own defence, before any vote for such address shall pass. The vote on such address shall be taken by yeas and nays, and entered on the journal of each house.

SEC. 28. Judges of probate, clerks, sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by petit jury, and upon conviction shall be removed from office.

ARTICLE V.—EXECUTIVE DEPARTMENT.

SEC. 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for two years from the time of his installation.

SEC. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the speaker of the House of Representatives, at the next ensuing session of the Legislature, during the first week of which session the said speaker shall open and publish them in the presence of both houses of the Legislature. The person having the highest number

of votes shall be Governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both houses of the Legislature. Contested elections for Governor shall be determined by both houses of the Legislature, in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, and shall not be capable of holding the office more than four years in any term of six years.

SEC. 4. He shall at stated times receive for his services a compensation, which shall not be increased or diminished during the term for which he shall be elected.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SEC. 6. He may require information in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

SEC. 7. He may, in cases of emergency, convene the legislature at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous, from an enemy, or from disease; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the legislature.

SEC. 8. He shall from time to time give the legislature information of the state of the government, and recommend to their consideration such measures as he may deem necessary and expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

SEC. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture to stay the collection until the end of the next session of the legislature, and to remit forfeitures, by and with the advice and consent of the Senate. In cases of treason he shall have power to grant reprieves, by and with the advice and consent of the Senate; but may respite the sentence until the end of the next session of the legislature.

SEC. 11. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal, and signed by the Governor, and be attested by the Secretary of State.

SEC. 12. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the great seal of the State of Mississippi.

SEC. 13. All vacancies not provided for in this constitution, shall be filled in such manner as the legislature may prescribe.

SEC. 14. The Secretary of State shall be elected by the qualified electors of the State, and shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the legislature, and shall perform such other duties as may be required of him by law.

SEC. 15. Every bill which shall have passed both houses of the legislature shall be presented to the Governor: if he approve, he shall sign it: but if not, he shall return it,

with his objections, to the house in which it shall have originated, which shall enter the objections at large upon their journals and proceed to re-consider it : if, after such re-consideration, two-thirds of the house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be re-considered : if approved by two-thirds of that house, it shall become a law : but in such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journals of each house respectively : if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not become a law.

SEC. 16. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except resolutions for the purpose of obtaining the joint action of both houses, and 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 re-passed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. Whenever the office of Governor shall become vacant, by death, resignation, removal from office or otherwise, the President of the Senate shall exercise the office of Governor until another Governor shall be duly qualified : and in case of the death, resignation, removal from office, or other disqualification of the President of the Senate so exercising the office of Governor, the Speaker of the House of Representatives shall exercise the office, until the President of the Senate shall have been chosen : and when the

office of Governor, President of the Senate, and Speaker of the House shall become vacant in the recess of the Senate, the person acting as Secretary of State for the time being, shall by proclamation convene the Senate, that a President may be chosen, to exercise the office of Governor.

SEC. 18. When either the President or Speaker of the House of Representatives shall so exercise said office, he shall receive the compensation of Governor only, and his duties as President or Speaker shall be suspended, and the Senate, or House of Representatives, as the case may be, shall fill the vacancy, until his duties as Governor shall cease.

SEC. 19. A Sheriff and one or more Coroners, a Treasurer, Surveyor, and Ranger, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed; except that the Coroner shall hold his office until his successor be duly qualified.

SEC. 20. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of two years, unless sooner removed.

MILITIA.

SEC. 1. The legislature shall provide by law, for organizing and disciplining the militia of this State, in such manner as they deem expedient, not incompatible with the Constitution and laws of the United States in relation thereto.

SEC. 2. Commissioned officers of the militia (staff officers and the officers of volunteer companies excepted,) shall be elected by the persons liable to perform military duty.

and the qualified electors within their respective commands, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and repel invasion.

ARTICLE VI.—IMPEACHMENTS.

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

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

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

ARTICLE VII.—GENERAL PROVISIONS.

SEC. 1. Members of the legislature, and all officers, executive and judicial, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, to-wit: "I solemnly swear, or affirm, as the case may be, that I will support the Constitution of the United States, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof; and that I will faithfully discharge to the best of my abilities, the duties of the office of ———, according to law. So help me God."

SEC. 2. The legislature shall pass such laws, to prevent the evil practice of duelling, as they may deem necessary: and may require all officers, before they enter on the duties of their respective offices, to take the following oath or affirmation: "I do solemnly swear, (or affirm, as the case may be), that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, since the first day of January, in the year of our Lord one thousand eight hundred and thirty-three: nor will I be so engaged during my continuance in office.— So help me God."

SEC. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 4. Every person shall be disqualified from holding an office or place of honor or profit under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election. Laws shall be made to exclude from office and suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, or other improper conduct.

SEC. 5. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

SEC. 6. No laws of a general nature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

SEC. 7. No money shall be drawn from the treasury but in consequence of an appropriation made by law : nor shall any appropriation of money for the support of any army be made for a longer term than one year.

SEC. 8. No money from the treasury shall be appropriated to objects of internal improvement, unless a bill for that purpose be approved by two-thirds of both branches of the legislature ; and a regular statement and account of the receipts and expenditures of public moneys shall be published annually.

SEC. 9. No laws shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such law be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each house, and entered on their journals with the yeas and nays taken thereon, and be referred to the next succeeding legislature, and published for three months previous to the next regular election, in three newspapers of this State ; and unless a majority of each branch of the legislature so elected, after such publication, shall agree to, and pass such law ; and in such case the yeas and nays shall be taken, and entered on the journals of each House ; *Provided*, That nothing in this section shall be so construed as to prevent the legislature from negotiating a further loan of one and a half million of dollars and vesting the same in stock reserved to the State, by the charter of the Planters' Bank of the State of Mississippi.

SEC. 10. The legislature shall direct by law in what manner and in what courts, suits may be brought against the State.

SEC. 11. Absence on business of this State, or of the

United States, or on a visit, or necessary private business, shall not cause a forfeiture of citizenship or residence once obtained.

SEC. 12. It shall be the duty of the legislature to regulate by law, the cases in which deductions shall be made from salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

SEC. 13. No member of Congress nor any person holding any office of profit or trust under the United States (the office of postmaster excepted), or any other State of the Union, or under any foreign power, shall hold or exercise any office of trust, or profit, under this State.

SEC. 14. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools and the means of education, shall forever be encouraged in this State.

SEC. 15. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in chancery.

SEC. 16. Returns of all elections by the people shall be made to the Secretary of State, in such a manner as may be prescribed by law.

SEC. 17. No new county shall be established by the legislature, which shall reduce the county or counties, or either of them, from which it may be taken, to less contents than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

SEC. 18. The legislature shall have power to admit to all the rights and privileges of free white citizens of this State, all such persons of the Choctaw and Chickasaw tribes of Indians, as shall choose to remain in this State upon such terms as the legislature may from time to time deem proper.

ARTICLE VIII.

Sec. 1. The institution of slavery having been destroyed in the State of Mississippi, neither slavery nor involuntary servitude otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall hereafter exist in this State; and the Legislature at its next session, and thereafter as the public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of the State, and guard them and the State against any evils that may arise from their sudden emancipation.

Inserted by Ordinance, adopted and approved, August 21st, 1865.

MODE OF REVISING THE CONSTITUTION.

Whenever two-thirds of each branch of the legislature shall deem any change, alteration, or amendment necessary to this Constitution, such proposed change, alteration, or amendment shall be read and passed by a majority of two thirds of each house respectively on each day, for three several days: public notice thereof shall then be given by the Secretary of State at least six months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if it shall appear that a majority of the qualified electors voting for members of the legislature, shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding legislature, as a part of this Constitution, and not otherwise.

SCHEDULE.

SEC. 1. All rights vested, and all liabilities incurred, shall remain the same as if this Constitution had not been adopted.

SEC. 2. All suits at law or in equity, now pending in the several courts of this State, may be transferred to such court as may have proper jurisdiction thereof.

SEC. 3. The Governor, and all officers, civil and military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices until they shall be superseded pursuant to the provisions of this Constitution, and until their successors be duly qualified.

SEC. 4. All laws now in force in this State, not repugnant to this Constitution, shall continue in operation until they shall expire by their own limitation, or be altered or repealed by the legislature.

ART. 5. Immediately upon the adoption of this Constitution, the President of this Convention shall issue writs of election directed to the sheriffs of the several counties requiring them to cause an election to be held on the first Monday, and day following in December next, for members of the legislature, at the respective places of holding elections in all the counties, which elections shall be conducted in the manner prescribed by the existing election laws of this State; and the members of the legislature thus elected, shall convene in office on the first general election, and shall convene at the seat of government on the first Monday in January, eighteen hundred and thirty-three; and shall, at their first session order an election to be held in every county of this State, on the first Monday in May, and day following, eighteen hundred and thirty-three, for all State and county officers under this Consti-

tion (members of the legislature excepted.) and the officers then elected shall continue in office until the succeeding general election and after, in the same manner as if the election had taken place at the time last aforesaid.

Sec. 6. Until the first enumeration shall be made, as directed by this Constitution, the apportionment of Senators and Representatives among the several districts and counties in this State, shall remain as at present fixed by law.

[Amendment Number One, approved February 2d. 1846, relative to slaves, abolished and stricken out by Convention held in August, 1865.]

AMENDMENT II.

The twentieth section of the fourth article so altered and changed as to read as follows, to-wit :

Sec. 20. The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Police for each county, a majority of whom may transact business; which body shall have full jurisdiction over roads, highways, ferries and bridges, and all other matters of county police, and shall order all county elections to fill vacancies that may occur in the offices of their respective counties. The clerk of the Court of Probate shall be the clerk of the Board of County Police.

Proposed by Act approved March 9th, 1850.

Inserted by Act approved March 12th, 1852.

AMENDMENT III.

The sixteenth section of the fourth article stricken out and abrogated, and in lieu thereof, the following section adopted and inserted, to wit :

Sec. 16. Chancery Courts, with full jurisdiction in all matters of equity, shall be held in each judicial district, by the circuit judge thereof, at such times and places as may be directed by law. The Superior Court of Chancery and the several Vice-Chancery Courts, shall continue as now organized, until the first Monday of November, one thousand eight hundred and fifty seven, for the disposition of causes now depending therein. The legislature shall provide by law for the preservation of the records of the said Superior Court of Chancery, and of said Vice-Chancery Courts, and also for the transfer of all causes that may remain undetermined therein, to other courts for final decision.

Proposed by Act approved March 2d, 1854.

Inserted by Act approved February 6th, 1856.

AMENDMENT IV.

Additional article added as follows, to-wit :

Article.—All public officers in this State, legislative, executive, and judicial, whose terms of office expire at the general election to be held in the year one thousand eight hundred and fifty-seven, or at any subsequent general election, shall continue to hold their offices until the first Monday of January next following the expiration of said terms, and until their successors shall be qualified: *Provided*, such of said officers as are required to give bond for the discharge of their duties, shall give bond and security for said extended term, as may be provided by the Legislature: and the terms of office of all officers chosen at the general election in the year eighteen hundred and fifty seven, or at any subsequent general election shall commence on the first Monday of January next succeeding the election, and shall continue for the time

now fixed by the Constitution, and until their successors shall be qualified.

Proposed by Act approved March 2d, 1854.

Inserted by Act approved February 6th, 1853.

AMENDMENT V.

The following section to be numbered seven, added to the schedule, and made part of the Constitution, to take the place of all conflicting provisions now contained in the Constitution, to-wit:

Sec. 7. All general elections by the people of this State shall be held on the first Monday of October, and be concluded in one day. On the first Monday of October, 1857, and biennially thereafter, an election shall be held for Representatives in Congress, and all State officers and members of the Legislature, except for officers and Senators entitled to hold over after November, 1857, who shall continue in office until their successors are entitled to succeed them therein. The Legislature shall convene on the first Monday of November, 1857, and biennially hereafter, but may be specially convoked by the Governor at other times. The Governor's official term shall commence on the third Monday of November, and that of Secretary of State, Auditor of Public Accounts, State Treasurer and Attorney General, on the first Monday of January next after his and their election; but the Attorney General shall hold his office as herebefore, and his term of four years. On the first Monday of October, 1858, and biennially thereafter, an election shall be held for all County, District, Judicial and Ministerial officers, (except officers who may then be entitled to hold over after January, 1859, or until the time of holding another election,) and the official terms of all such officers then and there-

and elected, shall commence on the first Monday of January next after this election; but all such officers elected in 1855, or previously, whose official terms, in the absence of this provision, would expire in November, 1857, shall continue in office until the first Monday of January, 1859.

Proposed by Act approved March 2d, 1854.

Inserted by Act approved February 2d, 1856

I, JACOB SHALL YERGER, President of the Convention of delegates of the people of the State of Mississippi, which assembled at Jackson, on Monday, the 14th day of August, 1865, hereto sign my name, and attest that the foregoing is the Constitution of the State of Mississippi as amended by said Convention, together with all previous amendments thereto left in force by said Convention: the same having been delivered to me as such by the committee appointed to examine and report the same.

Done and published, at Jackson, State of Mississippi, this 26th day of August, A. D. 1865, and 90th year of the independence of the United States of America.

J. S. YERGER,
President of the Convention,
and Delegate from the County of Washington

ORDINANCES, RESOLUTIONS,

AND

Constitutional Amendments.

ADOPTED BY THE

MISSISSIPPI CONSTITUTIONAL CONVENTION.

August, A. D. 1865.

CHAPTER I.

AMENDMENTS to the Constitution of the State of Mississippi.

First. That the Constitution shall be amended by abolishing and striking out sections one, two and three of article seven, under the title "slaves," and amendment number one, approved February 2d, 1846, relative to slaves.

Second. That a provision in the following language shall be inserted in the Constitution as article eight, to-wit: The institution of slavery having been destroyed in the State of Mississippi, neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall hereafter exist in this State; and the Legislature at its next session, and thereafter as the public welfare may require, shall provide by law for the protection and security of the person and property of the freedmen of this State, and guard them and the State against any evils that may arise from their sudden emancipation.

Third. That the twelfth section of the Declaration of Rights be amended by the insertion of the following proviso, to-wit: *Provided,* That the Legislature, in cases of petit larceny, assault, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a grand jury, and may authorize prosecutions before justices of the

peace, or such other inferior court or courts as may be established by the legislature, and the proceedings in such cases shall be regulated by law.

Adopted, August 21st, 1865.

CHAPTER II.

AN ORDINANCE to amend 7th section of 4th article of the Constitution.

Amend the 7th section of the 4th article of the Constitution of the State, so as to read as follows: The High Court of Errors and Appeals shall be held at least once in each year, at the seat of government, and at such other place or places in the State as the Legislature may direct.

Adopted, August 23rd, 1865.

CHAPTER III.

AN ORDINANCE to amend 18th section of the 4th article of the Constitution.

SECTION 1. *Be it ordained and declared, and it is hereby ordained and declared,* That the 18th section of the 4th article of the Constitution of the State of Mississippi, be so amended as to read as follows, to-wit: A Court of Probates shall be established in each county in this State, with jurisdiction in all matters testamentary, and of administration in minors' business, and allotment of dower, in cases of idiocy and lunacy, and of persons *non compos mentis*. The Judge of said Court shall be elected by the qualified electors of the respective counties for the term of two years.

Adopted, August 23d, 1865.

CHAPTER IV.

AN ORDINANCE concerning the compensation of Members of the Legislature.

SEC. 1. *Be it ordained by the people of the State of Mississippi in Convention assembled,* That the 25th section of article 3, of the State Constitution, so far as it prohibits any

increase of the compensation of members of the Legislature from taking effect during the session at which it is made, be and the same is hereby suspended until after the close of the next session of that body.

Adopted, August 23d, 1865.

CHAPTER V.

RESOLUTION providing for enrollment and duplicate copies of Ordinances and Constitution as amended.

Resolved, That the Hon. Wm. Yerger, Hon. A. R. Johnston, and Hon. Geo. L. Potter, be appointed a special committee, who shall, as soon after the adjournment of this Convention as practicable, see that the Constitution of the State of Mississippi, as amended and adopted by this Convention, is properly enrolled in duplicate, and signed and attested by the President of this Convention, and present one copy thereof to the Provisional Governor, and request him to forward the same to the President of the United States, and file the other copy thereof in the office of the Secretary of State; and said committee shall also see that all the ordinances adopted by this Convention are properly enrolled and attested in duplicate; one copy thereof to be presented to the Provisional Governor, and the other to be deposited in the office of Secretary of State.

Adopted, August 24th, 1865.

CHAPTER VI.

AN ORDINANCE in relation to the Ordinance of Secession and other Ordinances and Resolutions, adopted by a former Convention held in the city of Jackson on the 7th January, 1861, and on the 25th day of March, 1861.

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That an ordinance passed by a former Convention of the State of Mississippi, on the 9th day of January, 1861, entitled "An ordinance to dissolve the union between the State of Mississippi and other States united with her under the compact entitled: 'The Constitution of the United States of America,'" is hereby declared to be null and void.

SEC. 2. *Be it further ordained*, That the following ordinances and resolutions, passed by said former Convention of the State of Mississippi, which assembled in the city of Jackson, on Monday, the 7th day of January, 1861, and on the 25th day of March, 1861. be and the same are hereby repealed, viz :

“To regulate the military system of the State of Mississippi.” Passed 22d January, 1861.

“To amend the Constitution of the State of Mississippi in certain particulars.” Passed January 26th, 1861.

“Concerning the jurisdiction and property of the United States of America in the State of Mississippi.” Passed January 16th, 1861.

“Supplemental to an ordinance concerning the jurisdiction and property of the United States of America, in the State of Mississippi.” Passed 26th January, 1861.

“To provide for postal arrangements in the State of Mississippi.” Passed January 12th, 1861.

“Further to provide for postal arrangements in Mississippi.” Passed January 26th, 1861.

“To provide for the formation of a Southern Confederacy.” (No date thereto.)

“To regulate the right of citizenship in the State of Mississippi.” Passed 26th January, 1861.

“Providing a Permanent Council of three for the Governor of this State.” Passed 26th January, 1861.

“To provide for the purchase of arms, munitions and military equipments, and for other purposes.” Passed 26th January, 1861.

“To provide for the representation of the State of Mississippi in the Congress of the Southern Confederacy.” Passed 26th January, 1861.

“To provide for surveys and fortifications of military sites within the State of Mississippi.” Passed 26th January, 1861.

“To authorize the Governor to borrow a sufficient amount of money to defray the expenses of the troops now in the field.” (No date thereto.)

“To provide for the formation of a Southern Confederacy.” (No date thereto.)

“To adopt and ratify the Constitution adopted by the Convention at Montgomery, Alabama.” Passed March 29th, 1861.

“In relation to lands in the State of Mississippi belonging to Indian orphans.” Passed March 29th, 1861.

“To define the power of the Legislature of this State in relation to ordinances and resolutions adopted by the Convention.” Passed March 30th, 1861.

“In reference to the Marine Hospital at Vicksburg.” Passed March 30th, 1861.

“To provide a Coat of Arms and Flag for the State of Mississippi.” Passed March 30th, 1861.

“To authorize the entry and sale of waste and unappropriated lands in the State of Mississippi.” Passed March 28th, 1861.

“To revise and amend the law in relation to foreign insurance companies.” Passed March 27th, 1861.

“To provide for the appointment of Electors of President and Vice-President of the Confederate States of America.” Passed March 30th, 1861.

“To alter and modify the ordinance entitled ‘An ordinance concerning the jurisdiction and property of the United States in the State of Mississippi.’ Passed March 30th, 1861.

—*Provided*, That an ordinance, bearing no date, entitled, “An ordinance to raise means for the defence of the State,” and an ordinance passed March 29th, 1861, entitled “Supplemental to an ordinance entitled ‘An ordinance to raise means for the defence of the State,’” are intended to be left by this Convention for such action on the same as the people of the State, by their Legislature, may deem it right and proper to take, having in view the honor and prosperity of the State.

Sec. 3. *Be it further ordained*, That this ordinance shall be in force from and after its passage.

Adopted, August 22d, 1865.

CHAPTER VII.

AN ORDINANCE to legalize and support the legislative enactments of the State of Mississippi, passed since the 9th day of January, 1861, and for other purposes.

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled*, That all laws and parts of laws enacted by the Legislature of the State

of Mississippi, since the 9th day of January, 1861, so far as the same are not in conflict with, or repugnant to, the Constitution of the United States, and the laws made in pursuance thereof, or of the Constitution of this State as it existed on the 1st day of January, 1861, or in aid of the late rebellion, except the laws in relation to crimes and misdemeanors, and except an act entitled "An act to enable the railroad companies of this State to pay the monies borrowed by them," approved December 7th, 1863, be and the same are hereby ratified and confirmed, and declared to be valid and binding from their respective dates: and the same shall remain in full force and effect until altered or repealed according to law.

SEC. 2. *Be it further ordained.* That the official acts of all acting public officers of the State of Mississippi, in possession of any office, and exercising the functions thereof, since the 9th day of January, A. D. 1861, and done and performed under color of the laws of said State, and in pursuance thereof, and not inconsistent with the Constitution of the United States, and the laws made in pursuance thereof, or of the Constitution of the State of Mississippi, or in aid of the late rebellion, be hereby legalized, ratified and confirmed, and declared to be lawful acts in regard to the persons interested therein, or affected thereby, whether such person be lawfully entitled to hold such office or not, and whether such person be lawfully qualified or not.

SEC. 3. *Be it further ordained.* That all official acts, proceedings, judgments, decrees and orders of the several courts of the State, including the boards of county police, regular upon their face, and rendered under color, and in the ordinary course of law, together with all sales made by judicial officers, executors, administrators, guardians, and all other persons acting in a fiduciary capacity, in regular and due form, and where the same have been executed by the payment of the purchase money, are hereby legalized, ratified, and confirmed: subject, nevertheless, to the right of appeal, writs of error and supersedeas, according to the ordinary rules and forms of law: *Provided,* That in all cases in which judgments have been rendered in the circuit courts in this State since the 9th of January, 1861, and prior to this date, the party against whom such judgment has been rendered shall be entitled to a new trial, upon his filing an affidavit that he was unavoidably absent from the court where

the judgment was rendered, at the time of its rendition, and that he had no attorney present in the court, and that he believes that the judgment is unjust: *Provided further*, That in cases of sales made as aforesaid, and in all other cases in which a party has executed a note or agreement in writing for the payment of money, parol testimony shall be admissible to prove whether or not such contract contemplated specie currency, and to show what amount in specie the payee or obligee has a right equitably to demand or recover: *Provided further*, That executors, administrators and other officers acting in a fiduciary capacity, shall have power to compromise and agree with persons against whom they hold notes, bonds, judgments, or other evidences of debt, as to the real value of the property for which such evidences of debt were given, subject to the approval of the judge of probate of their respective counties: *Provided*, That all acts and laws authorizing the payment of dues to the State in Confederate money or notes, and all laws authorizing the distillation of spirits on State account, shall no longer be in force, but are hereby declared henceforth inoperative: *Provided*, That this ordinance shall not make valid any act passed by said Legislature which may conflict with any ordinance passed by this Convention.

SEC. 4. *Be it further ordained*, That all marriages entered into in this State since the 9th day of January, 1861, by persons capable of contracting, are valid and binding, and are hereby ratified and confirmed, and declared to be legal and valid from their respective dates, whether celebrated with the usual forms and ceremonies or not.

SEC. 5. *Provided*, That it is not intended by this ordinance to validate or invalidate the act of any officer or person acting as an officer, in receiving any monies payable to the State from the railroad companies, but to leave the same subject to adjudication by the courts in the future.

Adopted, August 23d. 1865.

CHAPTER VIII.

AN ORDINANCE providing for a General and Special Election.

SECTION 1. *The people of the State of Mississippi in Convention assembled do ordain and declare, and it is hereby ordained and declared*, That a general election

shall be held on the first Monday in October next, according to the Constitution and the election laws of the State as they existed on the first day of January, 1861, for Representatives in Congress, and all State officers, and members of the Legislature. The several Congressional Districts shall be the same, and the time of holding the election for Representatives in Congress the same as fixed and established by the Legislature in the year A. D. 1857. The Legislature shall convene on the third Monday in October, 1865, and be organized and classified as the Constitution directs. A special election shall also be held at the time of said general election. (the first Monday in October, A. D. 1865.) for all county, district, judicial and ministerial officers : and the officers so elected shall hold their offices until their successors are elected and qualified, and enter upon the duties of their respective offices, according to the Constitution and laws ; and the term of all such State, county, district, judicial and ministerial officers, so elected, shall commence on the third Monday in October, 1865. No person shall be qualified as an elector, or be eligible to any office at said election, unless, in addition to the qualifications required by the Constitution and election laws aforesaid, he shall have taken the amnesty oath prescribed in the proclamation of the President of the United States, of the 29th day of May, 1865 ; and immediately after the adjournment of the Convention, the President thereof shall issue writs of election, directed to the sheriffs in the several counties in the State, requiring them to cause said elections to be held according to the election laws in force and existing on said first day of January, 1861.

Adopted, August 21st, 1865.

CHAPTER IX.

AN ORDINANCE in relation to Special Courts of Equity.

SECTION 1. *Be it ordained*, That the Special Courts of Equity heretofore, and that may be hereafter established in this State by the Provisional Governor thereof, be and the same are hereby recognized to be in existence, but that in all cases the right and benefit of exceptions, bills of exceptions, writs of error, supersedeas and appeals from said court or courts, to the High Court of Errors and Appeals.

for the revision and judgment of the latter court, shall be and are hereby secured to any party litigant in said court or courts, who may desire the same, as is now provided for and regulated by the laws of the State in cases of exceptions, writs of error, supersedeas and appeals from the Circuit and Chancery Courts of this State to the said Court of Errors and Appeals; and the said Court of Errors and Appeals shall take cognizance and jurisdiction of such cases, as in the case of appeal and writ of error from the circuit and chancery courts of this State: *Provided*, That such Special Courts and the proceedings had therein after the courts known to the Constitution and laws of this State are established, shall not be recognized beyond the then unfinished and instituted business of the same; and the records and papers of said Special Courts shall, upon their expiration, be deposited in the office of the clerks of the several circuit courts of this State, in whose counties the said special court or courts are, or may be held, for the safe-keeping thereof, and may be authenticated thereafter as other records of said circuit and chancery courts.

Adopted, August 23d, 1865.

CHAPTER X.

AN ORDINANCE to confer certain powers upon the Legislature.

SEC. 1. *Be it ordained*, That the Legislature of this State shall have full and complete, ample and plenary power and right to ascertain, adjust and settle, any and all pecuniary liability and indebtedness of this State, or the citizens thereof, to the Government of the United States of America, under and by reason of the revenue laws of the latter, either past, present or future: and to provide by law or otherwise, in such way and manner, and on such terms as the Legislature may, in its opinion, deem or declare to be most wise, judicious, and expedient, for the ascertainment, adjustment, and present or ultimate settlement and payment of the same: hereby intending to confer, and actually conferring upon the Legislature of this State, full and absolute power, and right to pledge and use the faith and credit of the State, and to do and perform whatever is or may be necessary, proper, or expedient in the premises aforesaid.

Adopted, August 24th, 1865.

CHAPTER XI.

RESOLUTION providing for the appointment of a committee to report to the Legislature what changes are necessary in the existing laws of the State.

Resolved, That a committee of three be appointed by the President, whose duty it shall be to prepare and report to the next legislature, for its consideration and action, such laws and changes in existing laws of this State, as to said committee may deem expedient, in view of the amendments to the Constitution made by this Convention.

Adopted, August 23d, 1865.

CHAPTER XII.

RESOLUTION providing for compensation of committee to revise the statutes of this State.

Resolved, That it shall be the duty of the next Legislature to appropriate for the purpose, whatever sum may be necessary to pay the committee appointed by this Convention, on the subject of the revision of the statutes of the State, a compensation of ten dollars per day each for the time during which they may be employed in their said duties.

Adopted, August 24th, 1865.

CHAPTER XIII.

RESOLUTION providing for the appointment of four Commissioners.

Resolved, That the President of this Convention appoint four Commissioners to confer with the authorities of the United States, at Washington, relative to the utility and necessity of rebuilding the levees on the Mississippi river, and that they endeavor to obtain by loan or otherwise, such funds as may be necessary for that purpose, and also make an arrangement, if possible, to procure a competent force of laborers to finish the work during the present year. But in the event of any loan or debt being created for the purpose aforesaid, the taxes necessary to reimburse or pay the same shall only be levied by the Legislature upon such counties or districts as may be protected by the levees from inundation.

tion: *Provided*, That the aforesaid Commissioners shall not be authorized to pledge the faith of the State for the payment of any money by them borrowed, or aid procured for the purposes expressed in this ordinance.

Adopted, August 24th, 1865.

CHAPTER XIV.

RESOLUTION providing for the printing of the Constitution as amended and for the ordinances, proceedings and debates of this Convention.

Resolved, That twenty-five hundred copies of the Constitution, as amended, ordinances, proceedings and debates of this Convention, are hereby authorized to be published in pamphlet form, in the style and manner of the pamphlet laws of the State, excepting marginal notes. Said proceedings, debates, ordinances and Constitution, when so published, shall be delivered to the Secretary of State, whose duty it shall be to distribute the same, in the same manner that the pamphlet laws and journals of the State are required to be distributed, except that one copy shall be sent to each member of this Convention. The public printer shall receive for his services the necessary cost of issuing said reports, and thirty-five per cent added thereto; and the Auditor of Public Accounts is hereby authorized and required to issue his warrant on the proper officer for the amount of the account for said printing; the same being first approved by the Secretary of State.

Resolved further, That said printer be allowed the same length of time to complete the pamphlet proceedings and debates, as allowed by law for printing the laws and journals of the State, in the year 1861, and his duties and responsibilities as printer of the Convention shall not cease until the work aforesaid is accomplished.

Resolved further, That a committee of three, to consist of Messrs. Johnston, Yerger and Potter, of the county of Hinds, are hereby appointed to read the proof sheets, and see that the printed copy corresponds with the action of this Convention.

Adopted, August 24th, 1865.

CHAPTER XV.

Pay of Officers and Members of the Convention.

The committee appointed to take into consideration the pay of officers and members of this Convention, have had the same under consideration, and beg leave to report that in their opinion, the compensation should be as follows, to-wit: President, twelve (\$12,00) dollars, per diem:—Members, each, eight dollars, (\$8,00) per diem: Secretary, fifty (\$50,00) dollars, per diem: Sergeant-at-arms, eight (\$8,00) dollars per diem: Door-Keeper, six (\$6,00) dollars, per diem: Pages, each, two (\$2,00) per diem.

The President and members to receive eight dollars for every twenty miles of travel in going to and returning from the Convention, on the most direct route.

Adopted, August 23d, 1865.

CHAPTER XVI.

Report concerning Short-hand Reporters.

The Committee appointed to employ two competent short hand writers, to report accurately and fully the debates of this body, have performed that duty by employing for that purpose Messrs. S. W. Burnham, and A. L. Bartlett, of New Orleans, at a compensation of fifteen (\$15,00) dollars a day each.

Adopted, August 17th, 1865.

CHAPTER XVII

RESOLUTION allowing extra time and compensation to official Reporters of the debates.

Resolved, That the official Reporters of the debates of this Convention, be allowed five days after to-day, for the purpose of extending, and revising their notes; and that they also be allowed a compensation each of ten dollars per day, in addition to the allowance heretofore made them, and that the time of their services be computed from the organization of the Convention.

Adopted, August 24th, 1865.

CHAPTER XVIII.

AN ORDINANCE making certain appropriations therein named.

SECTION 1. *Be it ordained by the people of the State of Mississippi in Convention assembled,* That the President of this Convention shall issue his warrant for the following accounts, to be paid out of any money under his control, not otherwise appropriated, which shall be in full of said accounts, to-wit :

To T. C. McMaekin, for ice, candles, water-buckets, stationery, etc., furnished the Convention, the sum of one hundred and seventy-five dollars, (\$175 00.)

To John K. Yerger, postmaster, for postage, the sum of twenty-four dollars and eighty-two cents, (\$24 82.)

To E. M. Yerger : for Daily News during session, two hundred dollars, (\$200 00.)

To printing three hundred copies Reports, with Ordinance annexed, (J. T. Harrison, chairman,) thirty dollars. (\$30 00.)

To printing three hundred copies Reports, with Ordinance annexed. (A. R. Johnston, chairman,) fifty dollars and twenty-five cents, (\$50 25.)

To printing two editions Yeas and Nays, thirty-six dollars and seventy-five cents, (\$36 75.)

To three hundred copies Ordinance No. 2, thirty dollars (\$30 00.)

To three hundred copies Minority Report, twenty-six dollars and fifty cents, (\$26 50.)

To printing three hundred Minority Reports on Ordinance of Secession, twenty-six dollars and fifty cents, (\$26 50.)

To printing three hundred ordinances by the loyal people of the State, (\$26 50.)

To two editions warrants (150 each,) twenty-six dollars and fifty cents, (\$26 50.)

To one hundred and fifty copies writs of election, thirty dollars. (\$30 00.)

To three hundred Tabular Views, one hundred and fifty dollars. (\$150 00.)

To publishing public ordinances, one hundred dollars, (\$100 00.)

To publishing first day's proceedings, (twenty squares,) twenty dollars, (\$20 00.)

To publishing second day's proceedings, (ten squares,) ten dollars, (\$10 00.)

To publishing third day's proceedings, (six squares,) six dollars, (\$6 00.)

To publishing fourth day's proceedings, (sixty squares,) sixty dollars, (\$60 00.)

To publishing fifth day's proceedings, (twenty squares,) twenty dollars, (\$20 00.)

To publishing sixth day's proceedings, (nine squares,) nine dollars, (\$9 00.)

To publishing seventh day's proceedings, (twenty-four squares,) twenty-four dollars, (\$24 00.)

To publishing eighth day's proceedings, (thirty-five squares,) thirty-five dollars, (\$35 00.)

To publishing ninth day's proceedings, sixty squares, sixty dollars, (\$60 00.)

To publishing debates, (eighty-two squares,) eighty-two dollars, (\$82 00.)

To publishing writ of election, (ten squares,) one month, sixty dollars, (\$60 00.)

Total to E. M. Yerger, one thousand one hundred and nineteen dollars, (\$1119 00.)

To the Daily Mississippian, (A. N. Kimball, publisher,) for daily paper during session, two hundred dollars, (\$200.)

To J. J. Shannon, for one hundred copies Daily Clarion during the session of the Convention, two hundred dollars, (\$200 00.)

To A. Reed, (freedman) for services in attending on sittings of the Convention, bringing water, etc., and two days in cleaning up the Hall, thirteen days, fifty dollars, (\$50 00.)

To Alexander Moore, (freedman,) for services in attending on sittings of the Convention, bringing water, etc., and two days services in cleaning up the Hall, thirteen days, fifty dollars, (\$50 00.)

Adopted, August 24th, 1865.

CHAPTER XIX.

RESOLUTION allowing Secretary of Convention five extra days to complete the duties assigned him.

Resolved, That J. L. Power, Secretary of the Convention be allowed five extra days after adjournment to complete

the duties assigned him, and that he be allowed for such services the same rate of compensation agreed to by the Convention yesterday.

Adopted, August 24th, 1865.

CHAPTER XX.

AN ORDINANCE to reduce the penalty of the official bond of the sheriff and clerks of Hancock county.

SEC. 1. *Be it ordained*, That the penalty of the official bond of the sheriff of Hancock county be reduced to five thousand dollars, and the penalty of the official bond of the circuit and probate clerk of said county be reduced to twenty-five hundred dollars each, until the Legislature of the State of Mississippi shall by law increase or otherwise change them, or either of them.

Adopted, August 23d, 1865.

CHAPTER XXI.

RESOLUTION in relation to adjournment of the Convention.

Resolved, That this Convention adjourn to-day, at two o'clock, P. M., to be called together by the President of this Convention if the exigencies of the country require it: and if no such necessity arise within six months from this date, then this Convention shall stand adjourned *sine die*: *Provided*, That in case of the death of the President, the Convention may be called by the Governor of the State.

Adopted, August 24th, 1865.

J. S. YERGER,

President of Convention

Attest:

J. L. POWER, *Secretary*.

OFFICE OF SECRETARY OF STATE.
JACKSON, MISS., AUGUST 31ST, 1865. }

I, JOHN H. ECHOLS, Secretary of State of the State of Mississippi, do hereby certify that the foregoing printed Constitution, Amendments to the Constitution, Ordinances and Resolutions, are just and true copies of the originals, as adopted by the Convention held at Jackson in the month of August, 1865, and now on file in this office.

Given under my hand and the Great Seal of the State, affixed at the city of Jackson, this 31st day of August, A. D. 1865.

JOHN H. ECHOLS,
Secretary of State.

I N D E X .

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