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CONSTITUTION

OF

THE UNITED STATES,

WITH AMENDMENTS;

AND THE CONSTITUTION

OF THE

STATE OF MISSISSIPPI,



Adopted in Convention 15th Day of May, A. D. 1868, and Ratified by the People  
1st Day of December, A. D. 1869.

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PRINTED BY ORDER OF THE LEGISLATURE.

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JACKSON, MISS.:  
FISHER & KIMBALL, STATE PRINTERS.  
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THE  
CONSTITUTION  
OF THE  
UNITED STATES.

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America: Preamble.

ARTICLE I.

SECTION 1. All Legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. Legislative powers.

SEC. 2. The House of Representatives shall be composed of members chosen every second year, by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. Members of House of Representatives. How chosen.

No person shall be a Representative, who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. Qualification.

Representa-  
tion and taxa-  
tion.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Census.

Vacancies.

When vacancies happen in the representation from any State, the Executive authority thereof, shall issue writs of election to fill such vacancies.

Officers.  
Impeachment.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Senate.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Senators clas-  
sed.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Qualifications  
of Senators.

No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be Vice President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

**Adjournment.** Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

**Compensation Privileges.** SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session 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.

**Exclusion from office.** No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

**Bills for revenue.** SEC. 7. All bills for raising revenue shall originate in the House of Representatives: but the Senate may propose or concur with amendments, as on other bills.

**Bills, the formalities of their passage.** Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States: if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays 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 Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Resolutions,  
&c., to be ap-  
proved.

SEC. 8. The Congress shall have power:

Powers of  
Congress.

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Taxes.

To borrow money on the credit of the United States:

Borrowing.

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

Commerce.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

Naturalization

To coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures:

Coinage.

To provide for the punishment of counterfeiting the securities and current coin of the United States:

Counterfeiting

To establish post offices and post roads;

Post Office.

To promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries;

Copy right.

To constitute tribunals inferior to the Supreme Court;

Inferior courts

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations:

Piracy.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

War.

To raise and support armies; but no appropriation of money, to that use, shall be for a longer term than two years;

Army.

To provide and maintain a navy;

Navy.

To make rules for the government and regulation of the land and naval forces;

Rules for

- Militia and its organization. To provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions;
- Exclusive authority over district. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress;
- General authority. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square,) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: And
- Limitation of Powers. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.
- Importation of persons. SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year eighteen hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
- Habeas corpus. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.
- Attainder, &c. No bill of attainder or *ex post facto* law shall be passed.
- Direct Tax. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
- Commercial duties and preferences. No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.
- Money, how drawn. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and

expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince or foreign State. Titles of nobility.

SEC. 10. No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility. Limitations on the States.

No State shall, without the consent of the Congress, 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 for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. Of Commerce, war, &c.

## ARTICLE II.

SECTION I. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows: The Executive

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector. Electors of

The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least, shall not be an inhabitant of the same State with themselves. And they shall make a list And proceedings in the choice of President.

Choice of  
President.

of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

Meeting of  
Electors.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualification  
for Presidency

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

Vice President  
when to act.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve upon the Vice President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.



The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive during that period any other emolument from the United States or any of them.

Compensation  
of President.

Before he enter upon the execution of his office, he shall take the following oath or affirmation:

Oath of office.

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SEC. 2. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Powers of the  
President.  
Commander.  
Pardons.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Treaties.

Appointment  
of officers.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Fill vacancies.

SEC. 3. He shall, from time to time, give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassa-

Give informa-  
tion to Con-  
gress, &c.

dors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

**Impeachment.** SEC. 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

### ARTICLE III.

**Judicial power**  
**Tenure.** SECTION 1. The Judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

**Extent of Judicial power.** SEC. 2. The Judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects.

**Jurisdiction of Supreme Court.** In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases, before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

**Trial by jury.** The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as Congress may by law have directed.

SEC. 3. Treason against the United States shall <sup>Treason.</sup> consist only in levying war against them, or in adhering to their 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.

The Congress shall have power to declare the <sup>Attainder.</sup> punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given <sup>Acts, Records, &c., of States.</sup> in each State to the public Acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such Acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be <sup>Citizenship.</sup> entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, <sup>Fugitives from justice.</sup> felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, <sup>Fugitive slaves.</sup> under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on the claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the <sup>New States.</sup> Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, <sup>Territory of United States.</sup> and make all needful rules and regulations respecting the territory and other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular State.

SEC. 4. The United States shall guaranty to <sup>Republican government.</sup> every State in this Union a Republican form of

government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened) against domestic violence.

#### ARTICLE V.

Amendments  
to the Consti-  
tution.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or other mode of ratification may be proposed by the Congress; *Provided*, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.

Former debts  
recognized.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

Supreme law.

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, anything in the Constitution or laws of any State, to the contrary notwithstanding.

Oath of office.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Religious test.

## ARTICLE VIII.

The ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same. Ratification.

*Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven, and of the Independence of the United States of America, the twelfth. In witness whereof, we have hereunto subscribed our names.*

GEORGE WASHINGTON, PRESIDENT,  
and Deputy from Virginia.

*New Hampshire*—John Langdon, Nicholas Gilman.

*Massachusetts*—Nathaniel Gorham, Rufus King.

*Connecticut*—Wm. Samuel Johnson, Roger Sherman.

*New York*—Alexander Hamilton.

*New Jersey*—William Livingston, David Breardly, William Patterson, Jonathan Dayton.

*Pennsylvania*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

*Delaware*—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

*Maryland*—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

*Virginia*—John Blair, James Madison, Jr.

*North Carolina*—William Blount, Richard Dobbs Spaight, Hugh Williamson.

*South Carolina*—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

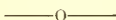
*Georgia*—William Few, Abr. Baldwin.

Attest,

WILLIAM JACKSON, Secretary.



# AMENDMENTS.



## ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Religion,  
speech, press  
and petition.

## ARTICLE II.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Bearing arms.

## ARTICLE III.

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

Quartering of  
soldiers.

## ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Unreasonable  
searches and  
seizures.

## ARTICLE V.

Criminal proceedings.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject, for the same, offense, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Private property taken, &c.

## ARTICLE VI.

Trial by jury in criminal proceedings.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

## ARTICLE VII.

Same, in suits at common law.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## ARTICLE VIII.

Excessive bail

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

## ARTICLE IX.

Rights retained by the people.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.



## ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Powers not  
delegated, re-  
served.

## ARTICLE XI.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

States not to  
be sued.

## ARTICLE XII.

SECTION I. The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the lists of those voted for as President, the House of Representatives shall choose immediately by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, when ever the right of choice shall devolve upon them,

Manner of  
choosing Pres-  
ident.  
Electors.

House of Rep-  
resentatives.

Vice President  
to act when no  
choice.

before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

Senate to elect Vice President.

SEC. 2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum, for that purpose, shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

Eligibility.

SEC. 3. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice President of the United States.

### ARTICLE XIII.

Abolition of slavery.

SECTION 1. 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.

Power of Congress to enforce same.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

### ARTICLE XIV.

All persons born or naturalized subject to jurisdiction of the U. S.

SECTION 1. 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 make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Rights of citizens.

Representation apportioned according to population.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to

any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Representation to be curtailed for certain causes.

SEC. 3. No person shall be a Senator, or Representative in Congress, or Elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Disqualification from holding certain offices.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Validity of the public debt of the U. S. shall not be questioned. The U. S., nor any State shall not pay any debt incurred for the rebellion.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Power of Congress.

## ARTICLE XV.

SECTION 1. 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.

Rights of citizens to vote shall not be denied or abridged.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.



THE  
CONSTITUTION  
OF THE  
STATE OF MISSISSIPPI.

Adopted in Convention 15th day of May, A. D. 1868, and Rati-  
fied by the People 1st day of December, A. D. 1869.

—O—

*To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of Government, do Ordain this Constitution.* Preamble.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All persons resident in this State, who are citizens of the United States, are hereby declared citizens of the State of Mississippi.

SEC. 2. No person shall be deprived of life, liberty, or property, except by due process of law.

SEC. 3. 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.

Freedom of speech and the press.

SEC. 4. The freedom of speech and of the press shall be held sacred, and in all indictments for libel, the jury shall determine the law and the facts under the direction of the Court.

No person shall be twice tried, &c.

SEC. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense.

Right of people to assemble.

SEC. 6. The right of the people peaceably to assemble and petition the government on any subject, shall never be impaired.

Rights and privileges in criminal prosecutions.

SEC. 7. In all criminal prosecutions the accused shall have 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 offense was committed; and he shall not be compelled to give evidence against himself.

Cruel punishment, nor excessive fines or bail shall not be demanded.

SEC. 8. Cruel or unusual punishment shall not be inflicted, nor shall excessive fines be imposed; excessive bail shall not be required, and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or presumption great.

No *ex post facto* law.

SEC. 9. No *ex post facto* law, or laws impairing the obligation of contracts shall ever be passed.

Rights of private property.

SEC. 10. Private property shall not be taken for public use, except upon due compensation first being made to the owner, or owners thereof, in a manner to be provided for by law.

For debt.

SEC. 11. There shall be no imprisonment for debt.

Trial by jury.

SEC. 12. The right of trial by jury shall remain inviolate.

No property qualification for jurors. Personal security.

SEC. 13. No property qualification shall ever be required of any person to become a juror.

SEC. 14. The people shall be secure in their persons, houses and possessions, from unreasonable seizure, or search, and no warrant shall be issued without probable cause, supported by oath, or affirmation, specially designating the place to be searched, and the person or thing to be seized.

Right to keep and bear arms.

SEC. 15. All persons shall have a right to keep and bear arms for their defense.

Rights of married women.

SEC. 16. The rights of married women shall be protected by law in property owned previous to marriage; and also in all property acquired in good faith by purchase, gift, devise or bequest after marriage; *Provided*, That nothing herein contained

shall be so construed as to protect said property from being applied to the payment of their lawful debts.

SEC. 17. No property qualification for eligibility to office shall ever be required. Eligibility to office.

SEC. 18. No property or educational qualification shall ever be required for any person to become an elector. Eligibility for Electors.

SEC. 19. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime whereof the party shall have been duly convicted. Slavery.

SEC. 20. The right to withdraw from the Federal Union on account of any real or supposed grievances shall never be assumed by this State; nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States. No right to withdraw from the Federal Union.

SEC. 21. No public money or moneys, shall be appropriated for any charitable or other public institution in this State, making any distinction among the citizens thereof; *Provided*, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with the article in this Constitution relating to public schools. Public moneys

SEC. 22. No distinction shall ever be made by law between citizens and alien friends in reference to possession, enjoyment, or descent of property. No distinction between aliens and citizens.

SEC. 23. No religious test as a qualification for office shall ever be required, and no preference shall ever be given by law to any religious sect or mode of worship, but the free enjoyment of all religious sentiments, and the different modes of worship shall ever be held sacred; *Provided*, The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals, or dangerous to the peace and safety of the State. No religious test as a qualification for office.

SEC. 24. The right of all citizens to travel upon all public conveyances shall not be infringed upon, nor in any manner abridged in this State. Right of citizens to travel, &c.

SEC. 25. The military shall be in strict subordination to the civil power. Military subordinate to civil power.

SEC. 26. Treason against the State shall consist only in levying 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. What shall constitute treason.

Penalty for dueling.

SEC. 27. No person's life shall be periled by the practice of dueling ; and any person who shall hereafter fight a duel, or assist in the same as second ; or send, accept, or knowingly carry a challenge therefor ; or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State.

All persons shall have speedy recourse at law.

SEC. 28. All courts shall be open, 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.

No person shall be appointed or elected to office for life.

SEC. 29. No person shall ever be elected or appointed to any office in this State for life or during good behavior; but the term of all offices shall be for some specified period.

Right to prosecute, &c., in any tribunal.

SEC. 30. 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.

No person shall be proceeded against criminally by information.

SEC. 31. No person shall, for any indictable, offense 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, assaults, 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.

Other rights not impaired.

SEC. 32. The enumeration of rights in this Constitution shall not be construed to deny or impair others retained by and inherent in the people.

## ARTICLE II.

### BOUNDARIES OF THE STATE.

Boundaries.

The limits and boundaries of the State of Mississippi shall remain as now established by law.



## ARTICLE III.

## DISTRIBUTION OF POWERS.

SECTION 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 Magistracy, to-wit: Those which are Legislative to one; those which are Judicial to another, and those which are Executive to another. Distribution of powers.

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

## ARTICLE IV.

## LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives. Legislative department.

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

SEC. 3. No person shall be a member of the House of Representatives who shall not be an elector under this Constitution; and who shall not, at the time of his election, have an actual residence in the District he may be chosen to represent. Qualifications of a member of the House.

SEC. 4. The Senate shall consist of members to be chosen every four years by the qualified electors of the several districts. Senate.

SEC. 5. No person shall be a Senator who shall not have attained the age of twenty-five years, who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent. Qualifications of Senators.

SEC. 6. The political year shall begin on the first Monday of January, and the Legislature shall meet annually on the first Tuesday after the first Monday in January, at the Seat of Government, unless sooner convened by the Governor, until altered by law. Time of meeting.

SEC. 7. All general elections shall be by ballot, and shall commence and be holden every two years, on the first Tuesday after the first Monday in November, until altered by law; and the electors in Manner and time of holding general elections.

Rights of electors.

all cases, except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance of elections, and in going to and returning therefrom.

Election of members of the Legislature.

SEC. 8. Election for members of the Legislature shall be held in the several counties and districts as shall be provided by law.

Governor shall issue writs of election.

SEC. 9. The Governor shall issue writs of election to fill such vacancies as may occur in either House of the Legislature, and the persons thereupon chosen shall hold their seats for the unexpired term.

Each House shall elect its own officers.

SEC. 10. Each House shall appoint its own officers, and shall judge of the qualifications, returns and election of its own members.

President pro tempore.

SEC. 11. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant-Governor.

Quorum.

SEC. 12. A majority of each House shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each shall provide.

Neither House shall adjourn without consent of the other.

SEC. 13. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Government of each House.

SEC. 14. Each House may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds of the members present, expel a member; but, no member shall be expelled a second time for the same offense. They shall each, from time to time, publish a journal of their proceedings, except such parts as may in their opinion, require secrecy, and the yeas and nays on any question shall be entered on the journal at the request of one-tenth of the members present; *Provided*, That the yeas and nays shall always be entered on the journal, on the passage of a bill appropriating money.

Doors of each House shall be kept open, except in cases of secrecy.

SEC. 15. The doors of each House, when in session, or in Committee of the Whole, shall be kept open, except in cases which may require secrecy; and each House may punish by fine and imprisonment any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in their presence or in any way disturb their deliberations during the session; but, such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 16. No person liable for public moneys unaccounted for, shall be eligible to a seat in either House of the Legislature, or to any office of profit or trust, until he shall have accounted for, and paid over all sums for which he may have been liable.

Persons ineligible as members of the Legislature.

SEC. 17. No person shall be eligible to any office of profit or trust, nor shall he be permitted to exercise the right of suffrage within this State, who shall have been convicted of bribery, perjury, or other infamous crime.

Persons ineligible to office.

SEC. 18. Any person who shall have been convicted of giving or offering, directly or indirectly, any bribe to procure his election or appointment, and any person who shall give or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from being an elector, or holding any office of profit or trust, under the laws of this State.

Disqualifications.

SEC. 19. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before the commencement and after the termination of each session.

Members privileged from arrest.

SEC. 20. The members of the Legislature shall severally receive, from the public treasury, compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

Compensation of members.

SEC. 21. The Legislature shall direct by law in what courts, and in what manner suits may be brought against the State.

Suits against the State.

SEC. 22. The Legislature shall not have power to pass any bill of divorce; but, may prescribe, by law, the manner in which cases shall be investigated in the courts of justice, and divorces granted.

Divorces.

SEC. 23. Bills may originate in either House, and be amended or rejected in the other; and every bill shall be read on three different days in each House, unless two-thirds of the House where the same is pending, shall dispense with the rules; and every bill having passed both Houses, shall be signed by the President of the Senate, and the Speaker of the House of Representatives, in open session.

Bills—how they shall originate.

SEC. 24. Every bill which has passed both Houses, shall be presented to the Governor of the State. If he approves he shall sign it, but if he does not approve, he shall return it with his objections, to

How bills shall become laws.

How bills shall become laws.

the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections, to the other House, by which, likewise, it shall be reconsidered, and if approved by two-thirds of that house, it shall become a law ; but in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within five days (Sunday excepted) after it has been presented to him, it shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case it shall be a law unless sent back within three days after its next meeting.

Concurrent resolutions.

SEC. 25. Every order, resolution or vote to which the concurrence of both Houses 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 re-passed by two-thirds of both Houses, according to the rules of limitation prescribed in all cases of a bill.

Money drawn from Treasury

SEC. 26. No money shall be drawn from the Treasury except on appropriation made by law.

Impeachment.

SEC. 27. The House of Representatives shall have the sole power of impeachment, but two-thirds of all the members present must concur therein. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence.

How tried.

Who are liable to impeachment.

SEC. 28. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery or any high crime or misdemeanor in office.

Chief Justice to preside on trial of Governor.

SEC. 29. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators present.

Extent of judgment.

SEC. 30. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State ; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

SEC. 31. For reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall, on the joint address of two-thirds of each branch of the Legislature, remove from office the Judges of the Supreme and Inferior Courts ; *Provided*, The cause or causes of removal be spread on the journal, and the party charged be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself or counsel, or both.

Removal of  
Judges from  
office.

SEC. 32. The style of the laws of the State shall be : " Be it enacted by the Legislature of the State of Mississippi."

Style of laws  
of the State.

SEC. 33. The Legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years ; and the first enumeration shall be ordered at the first meeting of the Legislature under this Constitution.

Taking census.

SEC. 34. The number of Representatives shall at the several periods of making such enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty.

Number of  
Representa-  
tives.

SEC. 35. The number of Senators shall, upon each enumeration made be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one-third the whole number of Representatives.

Number of  
Senators.

SEC. 36. The Senators on being convened after the first election, shall be divided by lot from their respective Congressional districts into two classes, as nearly equal as can be, and the seats of the first class shall be vacated at the expiration of the second year.

Classification  
of Senators.

SEC. 37. The Legislature shall provide for the organization of new counties, locating county seats, and changing county lines ; but no county shall be organized, nor the lines of any county changed so as to include an area of less than four hundred, nor more than six hundred and twenty-five square miles.

New counties.

SEC. 38. No Senator or Representative, during the term for which he was elected, shall be appointed to any office of profit under this State, which shall have been created, or the emoluments of which have been increased during the time such Senator or Representative was in office, except to such offices as may be filled by an election of the people.

Disqualifica-  
tion of mem-  
bers from  
holding  
offices.

Contested  
elections.

SEC. 39. The Legislature shall provide by law for determining contested elections.

## ARTICLE V.

### EXECUTIVE.

Executive.

SECTION 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years.

Governor—  
how elected.

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 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.

Qualifications  
for Governor.

SEC. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, shall have resided in this State two years next preceding the day of his election.

Compensation.

SEC. 4. He shall receive for his services such compensation as shall be provided by law.

Commander-  
in-chief.

SEC. 5. He shall be Commander-in-Chief of the Army and Navy of the State, and of the Militia, except when they shall be called into the service of the United States.

Information  
from Depart-  
ments.

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.

Power to con-  
vene the Legis-  
lature.

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 dangerous from an enemy, or from disease; and in case of a disagreement between the two Houses with respect to 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. Information of the state of the Government.

SEC. 9. It shall be his duty to see that the laws are faithfully executed. Execution of the laws.

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 consent of the Senate. In cases of treason, he shall have power to grant reprieves by and with the consent of the Senate, but, may respite the sentence until the end of the next session of the Legislature. Power to grant reprieves.

SEC. 11. There shall be a seal of the State kept by the Governor, and used by him officially, and be called the Great Seal of the State of Mississippi. Seal of State.

SEC. 12. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal of State, and signed by the Governor, and be attested by the Secretary of State. Commissions.

SEC. 13. All vacancies not provided for in this Constitution shall be filled in such manner as the Legislature may prescribe. Vacancies, how filled.

SEC. 14. There shall be a Lieutenant-Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor. Lieutenant Governor.

SEC. 15. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole, he may debate on all questions, and when there is an equal division in the Senate, or on a joint vote of both Houses, he shall give the casting vote. Privileges of

SEC. 16. He shall receive for his services such compensation as may be provided by law. Compensation.

SEC. 17. When the office of Governor shall become vacant by death or otherwise, the Lieutenant-Governor shall possess the powers and discharge the duties of said office, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable from protracted illness, to perform the duties of his office, the Lieutenant-Governor shall discharge the duties of said office, and receive said compensation until the Governor be able to resume his duties; but, if from Vacancy in the office of Governor, &c.

**Vacancy, &c.** disability or otherwise, the Lieutenant-Governor shall be incapable of performing said duties; or if he be absent from the State, the President of the Senate *pro tempore* shall act in his stead, but, if there be no such President, or if he is disqualified by like disability, or be absent from the State, then the Speaker of the House of Representatives shall assume the office of Governor and perform said duties, and receive the same compensation as the Governor, and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President *pro tempore*.

**Election contested.** SEC. 18. In case the election for Lieutenant-Governor shall be contested, it shall be decided in the same manner as that of the Governor.

**Secretary of State.** SEC. 19. The Secretary of State shall be elected by the qualified electors of the State; shall be at least twenty-five years of age, and a citizen of the State one year next preceding the day of his election, and shall continue in office during the term of four years; he shall keep a correct 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.

**State Treasurer and Auditor of Public Accounts.** 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 four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State; and, together with the last named officer, shall receive such compensation as may be provided by law.

**County officers** SEC. 21. A Sheriff, Coroner, Treasurer, Assessor and Surveyor, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

**Tenure of office.** SEC. 22. All officers named in this article shall hold their offices during the term for which they were elected, unless removed by impeachment or otherwise, and until their successors shall be duly qualified to enter on the discharge of their separate duties.



## ARTICLE VI.

## JUDICIARY.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, and such other courts of law and equity as are hereafter provided for in this Constitution. Judiciary.

SEC. 2. The Supreme Court shall consist of three Judges, who shall be appointed by the Governor, by and with the advice and consent of the Senate; any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each District. Supreme Court.

SEC. 3. The office of one of said Judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years, one of said Judges shall be appointed as aforesaid. The term of office of the Judges of the Supreme Court shall be nine years. Tenure of office.

SEC. 4. The Supreme Court shall have no jurisdiction but such as properly belongs to a Supreme Court. Jurisdiction.

SEC. 5. All vacancies which may occur in said Court, from death, resignation or removal, shall be filled by appointment as aforesaid; *Provided, however,* That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor, who shall hold his office until the next meeting of the Legislature. Vacancies—how filled.

SEC. 6. No person shall be eligible to the office of Judge of the Supreme Court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been for two years immediately preceding, a citizen of the State. Qualifications.

SEC. 7. The Supreme Court shall be held twice in each year, at the seat of Government, at such times as the Legislature may prescribe. Time of holding.

SEC. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate, and Secretary of State, shall determine, by lot, which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years; and it shall be the duty of the Governor to issue commissions accordingly. Classification, how determined.

- Disability of judges to serve      SEC. 9. No judge of said Court shall sit on the trial of any cause where the parties or either of them, shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the Judges 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.
- Compensation.      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.
- Judges of Circuit Courts.      SEC. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their office for the term of six years.
- Qualifications.      SEC. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not, at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State.
- Division of State.      SEC. 13. The State shall be divided into convenient judicial districts.
- Jurisdiction.      SEC. 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases, only when the principal of the amount in controversy exceeds one hundred and fifty dollars.
- When holden and compensation of Judges.      SEC. 15. A Circuit Court shall be held at least twice in each year, and the Judges of said Courts may 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.
- Chancery Courts—jurisdiction.      SEC. 16. Chancery Courts shall be established in each county in the State, with full jurisdiction in all matters of equity, and of divorce and alimony; in matters testamentary, and of administration, in minors' business, and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis*.
- Districts.      SEC. 17. The Legislature shall divide the State into a convenient number of Chancery Districts, to be composed of not more than four counties. Chancellors shall be appointed in the same manner as the Judges of the Circuit Courts. Their quali-

fications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a court in each county at least four times in each year, and shall receive such compensation as may be provided by law.

SEC. 18. 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 conclude "against the peace and dignity of the same."

SEC. 19. The Clerk of the Supreme Court shall be appointed by said court, for the term of four years, and the Clerk of the Circuit Court, and the Clerk of the Chancery Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of four years, and the Legislature shall provide by law, what duties shall be performed by the Clerks of the Circuit and Chancery Courts, during vacation, subject to the approval of the court.

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 Supervisors for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, ferries and bridges, and shall order all county elections, to fill vacancies that may arise in the offices of their respective counties, and perform such other duties as shall be provided by law. The Clerk of the Chancery Court of each county shall be the Clerk of such Board of Supervisors.

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 their organization, and all vacancies that may occur in said Board shall be supplied by election as aforesaid, to the unexpired term.

SEC. 22. Judges of all the courts of this State, and all other civil officers, shall, by virtue of their office, be conservators of the peace, and shall be, by law, vested with ample powers in that 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 office for the term of two years. The jurisdiction of Justices of the Peace

**Jurisdiction.** shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. In all causes 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.

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

**Attorney General.** 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 the respective districts, whose term of service shall be four years, and whose duties and compensation shall be prescribed by law.

**County officers—penalty for neglect or misdemeanor in office.** SEC. 26. Clerks, Sheriffs, and other county officers, for willful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by Grand Jury, and trial by petit jury, and upon conviction shall be removed from office.

## ARTICLE VII.

### FRANCHISE.

**Elections.** SECTION 1. All elections by the people shall be by ballot.

**Who are electors.** SEC. 2. All male inhabitants of this State, except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election, at which said inhabitant offers to vote, and who are duly registered according to the requirements of Section 3 of this Article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

**Registration.** SEC. 3. The Legislature shall provide, by law, for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath or affirmation:

**Oath.** "I, \_\_\_\_\_, do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old, that I have resided in this State six months, and in \_\_\_\_\_

county one month, that I will faithfully support and obey the Constitution and laws of the United States, and of the State of Mississippi, and will bear true faith and allegiance to the same, so help me God."

SEC. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector. Eligibility to office.

[Section 5 expunged.]

SEC. 6. In time of war, insurrection or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in the actual military or naval service of the United States, or this State; *Provided*, said votes be made to apply in the county or precinct wherein they reside. Right to vote not denied.

## ARTICLE VIII.

### SCHOOL FUND, EDUCATION AND SCIENCE.

SECTION 1. As the stability of a republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools by taxation or otherwise, for all children between the ages of (5) five and (21) twenty-one years, and shall, as soon as practicable, establish schools of higher grade. Education.

SEC. 2. There shall be a Superintendent of Public Education elected at the same time and in the same manner as the Governor, who shall have the qualification of the Secretary of State, and hold his office for four years, and until his successor shall be elected and qualified, whose duties shall be the general supervision of the common schools and the educational interests of the State, and who shall perform such other duties pertaining to this office, and receive such compensation as shall be prescribed by law; he shall report to the Legislature for its adoption, within twenty days after the opening of its first session, under this Constitution, a uniform system of free public schools. Superintendent of Education. Duties and compensation.

SEC. 3. There shall be a Board of Education, consisting of the Secretary of State, the Attorney Gen- Board of Education.

eral and the Superintendent of Public Education, for the management and investment of the school funds, under the general direction of the Legislature, and to perform such other duties as may be prescribed by law. The Superintendent and one other of said Board shall constitute a quorum.

County Super-  
intendent.

SEC. 4. There shall be a Superintendent of Public Education in each county, who shall be appointed by the Board of Education, by and with the advice and consent of the Senate; whose term of office shall be two years, and whose compensation and duties shall be prescribed by law; *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are.

Power of Leg-  
islature.

Duties of  
School Dis-  
tricts.  
Penalty of  
neglect.

SEC. 5. A public school or schools, shall be maintained in each school district at least four months in each year. Any school district neglecting to maintain such school or schools, shall be deprived, for that year, of its proportion of the income of the free school fund, and of all funds arising from taxes, for the support of schools.

School Fund—  
how Raised.

SEC. 6. There shall be established a common school fund which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and of the lands known as "swamp lands," except the swamp lands lying and situated on Pearl River, in the counties of Hancock, Marion, Lawrence, Simpson and Copiah, and of all lands now or hereafter vested in the State by escheat or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State for the sale of intoxicating liquor, or keeping of dram shops; all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidating of the Congressional township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, which funds shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

How invested.

Poll tax.

SEC. 7. The Legislature may levy a poll tax, not to exceed two dollars a head in aid of the school fund, and for no other purpose.

SEC. 8. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College or Colleges, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a college by the act of Congress, passed July 2d, A. D. 1865, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be granted, or appropriated for such purpose.

Agricultural  
Colleges.

SEC. 9. No religious sect or sects, shall ever control any part of the school or university funds of this State.

Religious sects

SEC. 10. The Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such other taxes as may be required to properly support the system of free schools herein adopted. And all school funds shall be divided *pro rata* among the children of school ages.

Collection of  
additional  
school taxes.

## ARTICLE IX.

### MILITIA.

SECTION 1. All able bodied male citizens of the State, between the ages of eighteen (18) and forty-five (45) years, shall be liable to military duty in the militia of this State, in such manner as the Legislature may provide, not incompatible with this Constitution, and the Constitution and laws of the United States.

Who are liable  
to militia duty.

SEC. 2. The Legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

Organizing  
and equipping  
the militia.

SEC. 3. It shall be the duty of the first Legislature to make such laws as shall be necessary to immediately create an effective militia in this State.

Make the militia  
effective.

SEC. 4. All officers of militia, except non-commissioned officers, shall be appointed by the Governor, by and with the consent of the Senate, and shall be chosen for their military knowledge, their experience in arms, and their fidelity and loyalty; and no commissioned officer shall be removed from office except by the Senate, on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law, or at his own request.

Appointment  
of officers.

How removed.

Commander-in-chief.

SEC. 5. The Governor shall be Commander-in-Chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

Appointment of Generals.

SEC. 6. The Governor shall nominate, and by and with the consent of the Senate, commission one Major General for the State, who shall be a citizen thereof, and also one Brigadier General for each Congressional District, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a Militia Division.

Adjutant General.

SEC. 7. The Adjutant General, and other staff officers to the Commander-in-Chief, shall be appointed by the Governor, and their appointment shall expire with the Governor's term of office.

Exemption from arrest.

SEC. 8. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of treason, felony or breach of the peace.

## ARTICLE X.

### INTERNAL IMPROVEMENTS.

Board of Public Works.

The Legislature, at its first regular session, after the adoption of this Constitution, shall provide for the organization of a Board of Public Works, prescribe its duties, fix the compensation of its members, and all officers and employees upon public works in this State.

## ARTICLE XI.

### APPORTIONMENT.

Apportionment of Representatives.

SECTION 1. Until the first enumeration, and a new apportionment shall be made as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in this State, shall be as follows :

Number of Representatives.

*First*—The county of Warren five Representatives.

*Second*—The counties of Hinds and Lowndes, each four Representatives.

*Third*—The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington and Yazoo, each three Representatives.



*Fourth*—The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Oktibbeha, Panola, Pontotoc, Tippah, Wilkinson, Yalobusha, Tishomingo and Rankin, each two Representatives. Number of Representatives

*Fifth*—The counties of Amite, Bolivar, Calhoun, Clark, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Lee, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Wayne, Smith, Davis, Greene, Jackson, Hancock, Marion, Harrison and Perry, each one Representative.

## SECTION 2—SENATE.

*First*—The counties of Hancock, Harrison, Jackson, Marion, Greene and Perry, shall form the first district, and elect one Senator. Senatorial Districts—number of Senators.

*Second*—The counties of Wilkinson and Amite, the Second District, and one Senator.

*Third*—The counties of Pike, Lawrence and Covington, the Third District, and one Senator.

*Fourth*—The county of Adams, the Fourth District, and one Senator.

*Fifth*—The counties of Franklin and Jefferson, the Fifth District, and one Senator.

*Sixth*—The counties of Claiborne and Copiah, the Sixth District, and one Senator.

*Seventh*—The counties of Warren and Issaquena, the Seventh District, and two Senators.

*Eighth*—The counties of Hinds, Rankin and Simpson, the Eighth District, and two Senators.

*Ninth*—The counties of Davis, Jasper, Clark and Wayne, the Ninth District, and one Senator.

*Tenth*—The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

*Eleventh*—The counties of Newton, Smith and Scott, the Eleventh District, and one Senator.

*Twelfth*—The county of Madison, the Twelfth District, and one Senator.

*Thirteenth*—The county of Yazoo, the Thirteenth District, and one Senator.

*Fourteenth*—The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

*Fifteenth*—The county of Holmes, the Fifteenth District, and one Senator.

*Sixteenth*—The counties of Attala, Leake and Neshoba, the Sixteenth District, and one Senator.

Senatorial  
Districts—  
number of  
Senators.

*Seventeenth*—The county of Noxubee, the Seventeenth District, and one Senator.

*Eighteenth*—The counties of Lowndes and Oktibeha, the Eighteenth District, and two Senators.

*Nineteenth*—The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

*Twentieth*—The county of Carroll, the twentieth District, and one Senator.

*Twenty-first*—The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

*Twenty-second*—The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

*Twenty-third*—The counties of Bolivar, Coahoma and Tunica, the Twenty-third District, and one Senator.

*Twenty-fourth*—The counties of Panola and Talahatchie, the Twenty-fourth District, and one Senator.

*Twenty-fifth*—The county of DeSoto, the Twenty-fifth District, and one Senator.

*Twenty-sixth*—The county of Marshall, the Twenty-sixth District, and one Senator.

*Twenty-seventh*—The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

*Twenty-eighth*—The counties of Tishomingo and Itawamba, the Twenty-eighth district, and one Senator.

*Twenty-ninth*—The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

## ARTICLE XII.

### GENERAL PROVISIONS.

Political year.  
General election.

SECTION 1. The political year of the State of Mississippi shall commence on the first Monday of January in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November, biennially.

Persons disqualified, etc.

SEC. 2. The Legislature shall pass laws to exclude from office, and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; and every person shall be disqualified from holding any office, or place of honor, profit or trust, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

SEC. 3. No person who denies the existence of a Supreme Being shall hold any office in this State. Supreme Being.

SEC. 4. The Legislature shall provide, by law, for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be empanelled in the county in which the offense was committed. Trial of persons in certain cases.

SEC. 5. The credit of the State shall not be pledged or loaned in aid of any person, association, or corporation; nor shall the State, hereafter, become a stockholder in any corporation or association. Credit of the State shall not be pledged.

SEC. 6. The term of office of all county, township, and precinct officers, shall expire within thirty days after this Constitution shall have been ratified, and the Governor shall, by and with the advice and consent of the Senate, thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide, by law, for an election of said officers; *Provided*, The present incumbents of all county, township, district and beat offices, shall hold their respective offices until their successors are legally appointed or elected, and duly qualified. Expiration of term of officers. To continue until successors are qualified.

SEC. 7. In all cases, not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers, and provide suitable compensation for all officers. Legislature to provide for filling offices.

SEC. 8. The Legislature, at its first session, shall provide, by law, for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution. Sale of delinquent lands.

SEC. 9. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof. When laws shall take effect.

SEC. 10. 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 said deduction. Deduction of salaries of officers.

SEC. 11. The Legislature, at its first session under this Constitution, shall have authority to designate, by law, such loyal paper, or papers, in each Circuit Court District, as shall publish all legal advertising, and such official printing as shall be District printing.

required by law, in such Circuit Court District, and fix the compensation thereof.

Prohibitions on the issuing of money, &c.

SEC. 12. No corporate body shall, hereafter, be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the Legislature shall prohibit, by law, individuals or corporations from issuing bills, checks, tickets, promissory notes, or other papers, as money. But nothing herein contained shall be construed as preventing corporations or associations from forming, for such purposes, under the acts of Congress, for a national system of banking.

Not to apply to National Banks.

Corporations subject to taxation.

SEC. 13. The property of all corporations for pecuniary profits, shall be subject to taxation, the same as that of individuals.

Lending money to Corporations.

SEC. 14. The Legislature shall not authorize any county, city, or town, to become a stockholder in, or to lend its credit to any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a special election, or regular election, to be held therein, shall assent thereto.

No lotteries allowed.

SEC. 15. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed, nor shall any lottery heretofore authorized, be permitted to be drawn, or tickets therein to be sold.

Rights of counties to raise money.

SEC. 16. No county shall be denied the right to raise, by special tax, money sufficient to pay for the building and repairing of court houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected, shall never be appropriated for any other purpose; *Provided*, The tax thus levied, shall be a certain per cent. on all tax levied by the State.

Liabilities of Banks, Corporations, etc.

SEC. 17. Liabilities of Banks, Associations, and other Corporations, shall be secured by legislative enactments; but in all cases, no stockholder shall be individually liable over and above the stock by him or her owned, unless so specified in the articles of association or act of incorporation.

Divisions of lands.

SEC. 18. All lands sold in pursuance of decree of courts or execution, shall be divided into tracts not to exceed one hundred and sixty acres.

Returns of elections.

SEC. 19. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law.

SEC. 20. Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law. Uniform taxation.

SEC. 21. The State of Mississippi shall never assume nor pay any debt or obligation contracted in aid of the rebellion, nor shall this State ever in any manner claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever, since the ninth day of January, 1861. The State shall not pay any debt contracted in aid of the rebellion, etc.

SEC. 22. All persons who have not been married, but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law, as married, and their children, whether born before or after the ratification of this Constitution, shall be legitimate, and the Legislature may, by law, punish adultery and concubinage. Liability and responsibility of certain persons, etc.

SEC. 23. There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, who shall hold his office for the term of four years, unless sooner removed by law. Commissioner of Immigration and Agriculture.

SEC. 24. The next Legislature shall have power to repeal statutes of limitation, pass relief, stay, injunction, insolvent and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States. Powers of the Legislature.

SEC. 25. Representatives in Congress to fill the existing vacancies shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election, and thereafter elections for Representatives in Congress shall be held biennially. The first election shall be held on the first Tuesday after the first Monday in November preceding the expiration of said full term. Election of Congressmen.

SEC. 26. Members of the Legislature and all other officers elected or appointed to any office in this State shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath of office: Obligation before entering office.

#### OATH OF OFFICE.

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully support and true allegiance bear the Constitution of the United States, Oath.

Oath. and the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding office by the Constitution of the United States, or the State of Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Deaf, Dumb, Blind and Insane. SEC. 27. It shall be the duty of the Legislature to provide by law for the support of institutions for the education of the deaf, dumb and blind; and also, for the treatment and care of the insane.

House of Correction. SEC. 28. The Legislature shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

Powers of County Boards SEC. 29. The County Boards shall have power to provide farms as an Asylum for those persons, who by reason of age, infirmity or other misfortune may have claims upon the sympathy and aid of society.

## ARTICLE XIII.

### ORDINANCES AND SCHEDULE.

#### MODE OF REVISING THE CONSTITUTION.

Amendments to the Constitution—how submitted. 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 two-thirds vote of each House respectively on each day for three several days; public notice shall then be given by the Secretary of State, at least three months preceding the next general election, at which the qualified electors shall vote directly for or against such change, alteration, or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form, that the people may vote for, or against each amendment separately, 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.

*Provided,* That no amendment which may be made prior to the year one thousand eight hundred and eighty-five, shall, in any manner, effect the eighteenth section of the Bill of Rights.

## SCHEDULE.

SECTION 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void. The present and all previous Constitutions of the State of Mississippi, are hereby declared to be repealed and annulled by this Constitution. Annulled.

SEC. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and 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, except the hereinafter mentioned laws, to-wit: Laws to be continued.

“An act to change the name of the county of Jones, and for other purposes,” approved December 1st, A. D. 1865. Laws repealed.

“An act to establish a ferry across the Mississippi river, at Vicksburg,” approved November 29th, A. D. 1865.

“An act to provide for the removal and location of the Seat of Justice of Scott county,” approved November 8th, A. D. 1865.

“An act supplemental to an act entitled an act to provide for the removal and location of the Seat of Justice of Scott county,” approved November 8th, 1865, approved December 1st, A. D. 1865.

SEC. 3. The Legislature shall provide for the removal of causes now pending in the courts of this State, to courts created by or under this Constitution. Provide for removal of causes pending in certain courts.

[Sections 4 to 13 inclusive, expunged.]

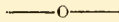
SEC. 14. The members of the Committee of Five, appointed by the Convention, and the Clerk thereof, shall receive the same compensation as the members of this Convention. Committee of Five.

SEC. 15. If any candidate receiving the highest number of votes cast cannot take the oath of office prescribed in this Constitution, then, and in that case, the candidates receiving the next highest vote shall be entitled to enter upon the duties of the office, upon taking and subscribing to said oath. Certain cases, how decided.

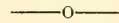
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TO THE

## CONSTITUTION OF THE UNITED STATES.



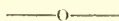
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