

TREASURE ROOM




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TREASURE ROOM





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ORDINANCES

OF THE

^{Arkansas.}
State Convention,

WHICH CONVENED

IN LITTLE ROCK,

MAY 6, 1861.

LITTLE ROCK:

JOHNSON & YERKES, STATE PRINTERS,

1861.



AN ORDINANCE

To dissolve the union now existing between the State of Arkansas and the other states united with her under the compact entitled "The constitution of the United States of America."

WHEREAS, In addition to the well founded causes of complaint set forth by this convention, in resolutions adopted on the 11th March, A. D. 1861, against the sectional party now in power at Washington City, headed by Abraham Lincoln, he has, in the face of resolutions passed by this convention, pledging the State of Arkansas to resist to the last extremity any attempt on the part of such power to coerce any state that had seceded from the old Union, proclaimed to the world that war should be waged against such states, until they should be compelled to submit to their rule, and large forces to accomplish this, have by this same power been called out, and are now being marshalled to carry out this inhuman design, and to longer submit to such rule or remain in the old Union of the United States, would be disgraceful and ruinous to the State of Arkansas.

Therefore, we the people of the State of Arkansas, in convention assembled, do hereby declare and ordain, and it is hereby declared and ordained, that the "ordinance and acceptance of compact," passed and approved by the General Assembly of the State of Arkansas, on the 18th day of October, A. D., 1836, whereby it was by said General Assembly ordained that, by virtue of the authority vested in said General Assembly, by the provisions of the ordinance adopted by the convention of delegates assembled at Little Rock, for the purpose of forming a constitution and system of government for said state,

the propositions set forth in "an act supplementary to an act entitled an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes, were freely accepted, ratified and irrevocably confirmed articles of compact and union between the State of Arkansas and the United States," and all other laws and every other law and ordinance, whereby the State of Arkansas became a member of the Federal Union, be, and the same are hereby in all respects and for every purpose herewith consistent, repealed, abrogated and fully set aside; and the union now subsisting between the State of Arkansas and the other states, under the name of the United States of America, is hereby forever dissolved.

And we do further hereby declare and ordain, that the State of Arkansas hereby resumes to herself all rights and powers heretofore delegated to the government of the United States of America—that her citizens are absolved from all allegiance to said government of the United States, and that she is in full possession and exercise of all the rights and sovereignty which appertain to a free and independent state.

We do further ordain and declare, that all rights acquired and vested under the constitution of the United States of America, or of any act or acts of Congress, or treaty, or under any law of this state, and not incompatible with this ordinance, shall remain in full force and effect, in no wise altered or impaired, and have the same effect as if this ordinance had not been passed.

DAVID WALKER, President of the convention and delegate
from the county of Washington.

JAMES L. TOTTEN, Arkansas county.

MARCUS L. HAWKINS, Ashley county.

A. W. DINSMORE, Benton county.

J. GOULD, Bradley county.

PHIL. H. ECHOLS, Calhoun county.

W. W. WATKINS, Carroll county.

BURR H. HOBBS, Carroll county.

I. H. HILLIARD, Chicot county.

H. FLANAGIN, Clark county.
J. C. WALLACE, Columbia county.
GEORGE P. SMOOTE, Columbia county.
S. J. STALLINGS, Conway county.
JESSE TURNER, Crawford county.
H. F. THOMASON, Crawford county.
THOS. H. BRADLEY, Crittenden county.
ROBERT T. FULLER, Dallas county.
J. P. JOHNSON, Desha county.
J. A. RHODES, Drew county.
W. F. SLEMONS, Drew county.
W. W. MANSFIELD, Franklin county.
S. W. COCHRAN, Fulton county.
JAMES W. BUSH, Greene county.
R. K. GARLAND, Hempstead county.
A. H. CARRIGAN, Hempstead county.
JOSEPH JESTER, Hot Spring county.
F. W. DESHA, Independence county.
URBAN E. FORT, Independence county.
M. SHELBY KENNARD, Independence county.
ALEX. ADAMS, Izard county.
J. H. PATTERSON, Jackson county.
JAS. YELL, Jefferson county.
W. P. GRACE, Jefferson county.
WM. W. FLOYD, Johnson county.
FELIX I. BATSON, Johnson county.
WILEY P. CRYER, Lafayette county.
SAMUEL ROBINSON, Lawrence county.
MILTON D. BABER, Lawrence county.
H. H. BOLINGER, Madison county.
THOS. F. AUSTIN, Marion county.
FELIX R. LANIER, Mississippi county.
WM. M. MAYO, Monroe county.
ALEXANDER M. CLINGMAN, Montgomery county.
ISAIAH DODSON, Newton county.
A. W. HOBSON, Ouachita county.
L. D. HILL, Perry county.

THOMAS B. HANLY, Phillips county.

CHAS. W. ADAMS, Phillips county.

SAMUEL KELLEY, Pike county.

ARCHIBALD RAY, Polk county.

WILLIAM STOUT, Pope county.

BENJAMIN C. TOTTEN, Prairie county.

J. STILLWELL, Pulaski county.

A. H. GARLAND, Pulaski county.

JAMES W. CRENSHAW, Randolph county.

J. M. SMITH, Saline county.

E. T. WALKER, Scott county.

SAML. L. GRIFFITH, Sebastian county.

W. M. FISHBACK, Sebastian county.

BENJ. F. HAWKINS, Sevier county.

JAS. S. DOLLARHIDE, Sevier county.

J. N. SHELTON, St. Francis county.

G. W. LAUGHINGHOUSE, St. Francis county.

H. BUSSEY, Union county.

WM. V. TATUM, Union county.

J. HENRY PATTERSON, Van Buren county.

JOHN P. A. PARKS, Washington county.

T. M. GUNTER, Washington county.

JAMES H. STIRMAN, Washington county.

JESSE N. CYPERT, White county.

W. H. SPIVEY, Yell county.

Adopted and passed in open convention, on the sixth day of
May, Anno Domini, 1861.

Attest:

ELIAS C. BOUDINOT, *Secretary*

of the Arkansas State Convention.

AN ORDINANCE *providing for the signing of the ordinance passed on yesterday, dissolving the political connection theretofore existing between the State of Arkansas and the government known as "The United States of America."*

We, the people of the State of Arkansas, now in convention assembled, do hereby ordain, and it is hereby ordained, that the ordinance adopted by this convention on yesterday, dissolving the political connection theretofore existing between the State of Arkansas and the government known as the "United States of America," be signed by the president and attested by the secretary of this convention, and be also signed by the individual members of this convention, and that in signing the same, there shall be a call of the counties of the state in alphabetical order, and the delegates of each county shall sign the same as their respective counties shall be called by the secretary.

Adopted and passed in open convention, May 7th, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.



AN ORDINANCE *to appropriate money to advance to volunteers for the use of the Confederate Troops.*

Be it ordained by the people of the State of Arkansas in Convention assembled, That ten thousand dollars be appropriated, out of any money in the treasury unappropriated, to be paid to the colonel of the regiment of volunteers now being organized in the State of Arkansas for the Confederate States, and to

be by him advanced to said volunteers in sums of twelve dollars to each private and non-commissioned officer.

Be it further ordained, That said sum shall be advanced as a loan, and be repaid by said volunteers out of the first payment made to said volunteers by the Confederate States, and the colonel of said regiment is hereby made an agent to collect and transmit the same to the treasurer of this state.

Be it further ordained, That upon the receipt of said sum of money by the colonel of said regiment, he shall execute a receipt, acknowledging the same and engaging to use all reasonable exertions to collect from said volunteers the said sum of money and pay it into the state treasury.

Be it further ordained, That the said colonel shall take receipts from said troops for said sums advanced, promising to refund the same out of the first payments as aforesaid.

Adopted in and by the convention on the 8th day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.



A RESOLUTION *in preference to money in the hands of the superintendent of Indian affairs and Indian agents:*

Resolved, That no money or property of any kind whatever, now in the hands of the superintendent of Indian affairs, or of any Indian agent, being placed there or designed for the Indians on the western frontier of Arkansas, shall be seized, but that the same shall so remain to be applied for and to the use of the several Indian Nations, faithfully, as was designed

when so placed in their hands for disbursement; and the people of the State of Arkansas, here in sovereign convention assembled, do hereby pledge the sovereignty of the State of Arkansas, that everything in their power shall be done to compel a faithful application of all money and property now in the hands of persons or agents designed and intended for the several Indian tribes west of Arkansas.

Adopted in and by the convention, May 9th, 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *to authorize the governor to commission certain military officers, and for other purposes.*

Be it ordained by the people of the State of Arkansas in Convention assembled, That the governor of the State of Arkansas is hereby authorized to commission all the officers elected for the volunteer regiment No. 1, without regard to any law of the State of Arkansas concerning elections, upon the presentation to him of the names of said officers and their grades of office, and so soon as they are commissioned, he will tender said regiment to the president of the Confederate States, to be employed under his command as a regiment of the Confederate States.

Adopted in and by the convention, May 9th, 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

A RESOLUTION *for the election and commission of officers for the military companies now at Hopefield.*

Be it resolved by the people of Arkansas in convention assembled, That the officers and private soldiers of the several volunteer companies now at or near Hopefield, in the service of the state, shall be, and they are hereby authorized to form themselves into a regiment, to be called the second regiment of Arkansas volunteers, and to elect therefor, one colonel, one lieutenant-colonel, and one major, which election shall be held by such persons as the captains of companies shall select, and shall be certified to the governor, who shall immediately issue commissions to the officers elected, as well as to the various officers of the line of such regiment.

And the colonel of such regiment shall appoint his own staff-officers, including one surgeon and an assistant surgeon.

Adopted and passed by and in the convention, May 9th, 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *to adopt the Provisional Constitution of the Confederate States of America.*

SECTION 1. *Be it ordained by the people of Arkansas in Convention assembled,* That the Constitution of the Confederate States of America, made and adopted at Montgomery, in the State of Alabama, by the deputies of the States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, and

afterwards adopted by the people of the State of Texas, for the provisional government of the states adopting the same, and all ordinances, laws passed, and acts done, not locally inapplicable, in pursuance thereof, shall be, and the same are hereby ratified and adopted by the people of Arkansas, and declared to be in full force and effect within this state.

SEC. 2. *Be it further ordained*, That five delegates, to be elected by this convention, shall be, and they are hereby constituted and appointed the deputies of Arkansas, to the Provisional Congress of the Confederate States of America, with all the powers and authority vested in the deputies of other states in said Congress.

SEC. 3. *Be it further ordained*, That it shall be the duty of the secretary of this convention, to furnish said deputies with a copy of the ordinance passed on the 6th day of May, A. D. 1861, by this convention, dissolving the political connection between the State of Arkansas and the government of the United States of America, and also a copy of this ordinance, which said copies shall be signed by the president, and attested by the secretary of this convention.

SEC. 4. *Be it further ordained*, That this ordinance take effect and be in force within the limits, and over the State of Arkansas, as soon as the Congress of the Confederate States of America shall admit this state into the confederacy thereof, upon terms of equality with the other states thereof.

Adopted, and passed in the convention, May 10th, A. D. 1861.

DAVID WALKER, *President*

of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*

of the Convention.

AN ORDINANCE to authorize the levy of a tax for military and other purposes.

Be it ordained by the people of the State of Arkansas in Convention assembled, That the county court of any county in this state, may levy and collect a tax on all the objects of taxation for state purposes, for a military defence, and such other purposes as they may deem necessary, for the protection of their respective counties; Provided, That said tax, so assessed, shall not, in any one year, exceed one-fourth of one per centum on the assessed value of said property, and that such courts may appropriate the internal improvement fund, and all other funds of their respective counties, except school funds, for the purposes aforesaid.

Be it further ordained, That when any county court shall deem it expedient to levy any tax, or appropriate any county fund for the purposes aforesaid, it shall be the duty of such county court, or the judge thereof, to direct the sheriff to notify each justice, in writing, by personal service, or by leaving a copy of such notice at the usual place of abode of such justice, that such tax will be levied, and appropriation made at the next term of said court, and if such justices do not attend, then the justices that do attend, may, by a vote of the majority, levy such tax, and make such appropriations, as aforesaid.

Be it further ordained, That this ordinance be subject to repeal, either in whole, or in part, by legislative enactment.

Adopted in, and by the convention, May 11th, 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

Resolved, That the writ of habeas corpus be suspended, as far as regards convicts in the penitentiary of this state, and all other prisoners confined under the laws of the United States, until this convention shall otherwise direct, and that the keeper of the penitentiary, and also all other keepers of prisons in this state, are hereby ordered to retain such of the convicts and prisoners as yet have unexpired time to serve, until this convention shall order otherwise, or their times expire.

Resolved, That this suspension of the writ of habeas corpus is intended only to apply to those convicts confined in the penitentiary, and other persons held in custody by authority of the United States.

Adopted in, and by the convention, May 13th, A. D., 1861.

DAVID WALKER, *President*

of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary of*

the Arkansas State Convention.

AN ORDINANCE appropriating the domain, public lands and other property which belonged to the government of the United States in this state, on the sixth day of May, A. D., 1861, and for other purposes.

1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the domain, public lands and other property which belonged to, and vested in the government of the United States, situate in this state, on the sixth day of May, A. D., 1861, be, and the same are hereby appropriated to the State of Arkansas, as the domain, public lands and property of said state, to be hereafter disposed of, applied and appropriated as the other domain, public lands and property of this state,

hereby declaring that all the right, title and claim which heretofore vested in the said government of the United States of, in and to said domain, public lands and other property now vest in, and belong to the State of Arkansas, subject to be disposed of as may be hereafter provided by this convention or the General Assembly of this state; saving, however, those who may have acquired any rights under the laws heretofore existing, all such rights.

2. *Be it further ordained*, That the deputies or delegates who have heretofore been elected by this convention to the Provisional Congress of the Confederate States of America, be, and they are hereby instructed and commissioned, and for that purpose they are hereby clothed with full power and authority, to cede, convey or transfer to the government of the Confederate States of America, the following grounds, lands and property, situate in the State of Arkansas, for the use and benefit of said Confederate States of America, that is to say: twenty acres, including the buildings of the grounds and lands attached and belonging to the fort, known as Fort Smith, in Sebastian county, and all the houses, buildings and appurtenances thereon situate; also, the grounds and lands attached and belonging to the arsenal, situate in the city of Little Rock, and all the houses, buildings and appurtenances thereon situate; and, also, the grounds and lands attached and belong to the hospital in the city of Napoleon, in Desha county, and all the houses, buildings and appurtenances thereon situate; *Provided, however*, That said fort, arsenal and hospital shall be considered necessary or useful for national purposes; *And provided also*, That said government of the Confederate States of America, shall receive and admit this state into the government of the Confederate States upon the same terms that all the other states have been received into said Confederacy, and with all the powers, privileges and immunities belonging and pertaining to the same and each of them; *And provided also*, That the said fort, arsenal and hospital shall be continued to be used for public purposes and national objects; *And provided also*, That the said government of the Confederate States of America

shall forever and at all times receive into the said arsenal and safely keep any and all state arms which may be there deposited, free of cost and expense to this state, and shall also receive and store into the magazine attached to said arsenal, any and all powder or munitions of war tendered for that purpose by this state, without cost or expense.

3. *Be it further ordained*, That the deputies or delegates aforesaid be, and they are hereby limited and restricted in their powers as such deputies or delegates, as far as may pertain to their power of cession in the name of this state, to the power of making cession of the above and beforeherein described grounds, lands and property, and none other whatever, and the power hereby conferred upon said deputies or delegates, is confided to them to be exercised or not, in their discretion.

4. *Be it further ordained*, That if the deputies or delegates aforesaid shall think it expedient or proper to cede to the government of the Confederate States of America, the grounds, lands and property aforesaid, and the same are accepted by the said Confederate States, then and in that event, the said government of the Confederate States of America shall exercise the same jurisdiction over the said grounds, lands and property so to be ceded, that the government of the United States of America had exercised and held over the same under the acts of Congress of the United States, and those of the General Assembly of this state.

Adopted and passed in and by the convention, on the eleventh day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *for raising and equipping a military force in the north-western and north-eastern portions of the state for the immediate protection of those frontiers.*

WHEREAS, our frontiers are threatened with immediate invasion by the forces of the United States; therefore,

Be it ordained by the people of Arkansas now in Convention assembled, That there shall be elected, forthwith, one brigadier general for the first division of the state, and that there shall also be elected, one brigadier general for the second division of the state, who shall, respectively, rank any militia officers of said divisions, and who shall constitute two of such officers as may be elected by this convention, for the army of this state, and subject to any military board that may be hereafter organized, and to their superior officers, and to be out-ranked by any general officer who may be appointed by the Confederate States, and the president of this convention is hereby authorized to issue commissions to said officers in the name of the State of Arkansas.

SEC. 2. *Be it further ordained,* That such brigadier general for the first division, shall proceed to organize, as speedily and perfectly as possible, the volunteer forces of the western portion of our state, and put the same under drill, subject to be called out at such times as necessity may require, and all military operations on the western frontier are hereby made subject to the authority of said officer, until a permanent system is adopted, and that the brigadier general for the second division shall proceed to organize the volunteer forces of that portion of the state under his command, and put the same under drill in like manner, and have the same control of military operations in said division.

SEC. 3. *Be it further ordained,* That such officers shall not muster into the service such military forces without the order of such military board, as may hereafter be organized, or other competent authority, except in case of actual emergency, in which event they may place, on active service, such force as they may deem urgently necessary, and report the same, forth-

with to the military board, or to the proper officer, with a statement of the facts in the case, and the number and kind of troops so placed in active service.

SEC. 4. *Be it further ordained*, That two thousand and five hundred stand of arms, out of such as may be in charge of the state authorities, to be selected by the special committee of this convention, heretofore appointed to examine the arms in the arsenal, at Little Rock, together with all accoutrements, munitions and other things deemed necessary by said committee, and also one complete battery, consisting of six pieces of artillery, with all necessary accompaniments, be immediately placed at the command of the brigadier general for each division, for the earliest possible transportation to the frontiers, and the governor, or officer in charge, be, and he is hereby required to deliver the same, taking receipts therefor, and that the proper commissary officer turn over to said brigadier generals, on their requisition, such subsistence stores as may be necessary for the present emergency, out of any supplies now on hand at the arsenal, or elsewhere, not otherwise appropriated, taking receipts therefor.

SEC. 5. *Be it further ordained*, That the sum of twenty thousand dollars, that is to say, ten thousand dollars to each of said divisions be, and the same is hereby appropriated, for the purpose of defraying all necessary expenses of such military operations on the frontiers, and the state treasurer is hereby ordered to turn over such money, on the warrant of the president of this convention, to such brigadiers, who shall make faithful reports of all expenditures, with vouchers therefor, to the military board or other competent authority.

Adopted, and passed by the convention, May 13th, 1861.

DAVID WALKER, *President*

of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*

of the Arkansas State Convention.

AN ORDINANCE *in relation to the records of the late district court of the United States for the western district of Arkansas.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the records, papers, files, and everything pertaining to the office of the late clerk of the district court of the United States, for the western district of Arkansas, lately seized by order of brigadier general Burrow, be, and the same are hereby ordered to be delivered into the care and custody of John B. Ogden, esquire, late clerk of said district court, subject to the further order of this convention, and that the late clerk of the district court for the eastern district of Arkansas, retain the custody of the books and papers of his office, subject in like manner.

Adopted, in and by the convention, May 13th, 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *for the relief of General James Yell.*

Gen. Yell, commander at Hopefield, borrowed from General Thomas H. Bradley, at Memphis, the sum of five thousand dollars for the troops of Arkansas, at Hopefield, and said sum was placed at the command of the paymaster of said troops, at the Planters' Bank in Memphis; therefore

Be it ordained by the people of the State of Arkansas, That Gen. James Yell is hereby authorized to draw his draft on the auditor for five thousand dollars, out of the money heretofore appropriated by ordinance to and in favor of the Brigadier

General of the second division of Arkansas; and the auditor is authorized to draw upon the treasurer for said amount.

Adopted in and by the convention, May 13th, 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

RESOLUTIONS *in relation to the election of officers by volunteer companies.*

WHEREAS, The militia of the county of Perry, in the State of Arkansas, is in a disorganized condition, by having at present no colonel; therefore

Resolved, That volunteer companies in said county be, and they are hereby authorized to organize by electing officers, and the governor is hereby authorized to commission the same in the usual way.

Resolved, That the provisions of the foregoing section be applied to the county of Prairie, and such other counties as may have volunteers who may choose to accept its provisions.

Adopted in and by the convention, on the 14th day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *to create a Military Board for the State of Arkansas.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That by this ordinance there shall be created an executive military board, to consist of the governor and two advisers, citizens of this state, which advisers shall be elected by this convention, whose duty it shall be to act and consult together in all matters appertaining to the general military defence of the state; said advisers to receive the sum of five dollars per day, while actually employed in such service.

SEC. 2. The board shall employ a competent secretary, who shall keep a true and perfect record of its proceedings, and the expenses of the military department of the state, and the secretary of the board shall keep his office at Little Rock, and shall be paid such compensation as the military board shall allow him, and order the same to be paid out of the state treasury; the meetings of said board shall be held at Little Rock, unless otherwise specially ordered.

SEC. 3. Said military board shall have full power to call out the militia and volunteer forces of the state to the extent necessary for its protection and security, and to draw orders on the auditor, to be paid by the treasurer, out of such moneys as may be appropriated for military purposes; to manage and control the forts, arms and munitions of war belonging to or in possession of the state, either by original right or confiscation, and any and all property belonging now or hereafter, to the military department of this government; they shall have power to put on foot such military expeditions as in their opinion circumstances and necessity may require, subject to the provisions of such laws or ordinances as may be hereafter passed or enacted by this convention, or the General Assembly of this state; and in all things, take charge of, and be responsible for the safety and protection of Arkansas, until such time as the authority of the Confederate States of America shall be extended over it; after which, it shall act in aid of and auxiliary to said Confederate authority.

SEC. 4. The board may order the trial of general officers by courts-martial, when charges of a character warranting it shall be preferred against them; said court shall consist of from five to nine officers of the highest rank that can be assembled for that purpose, without manifest injury to the service; the court shall keep a record of its proceedings, which shall be laid before the board for final action; all the militia officers, whether in service or not, are hereby made subordinate to this board.

SEC. 5. The board shall be governed in all things by the rules and articles of war and laws, as they now exist in the government of the Confederate States of America, and the laws of the State of Arkansas, where their duties are not specified in this ordinance; but any thing in the state constitution and all laws of this state inconsistent and in conflict with this ordinance, are hereby suspended during the operation of this ordinance.

SEC. 6. The governor or either of such advisers may call a meeting of the board, and two of the members of such board shall constitute a quorum; the governor, when present, shall be the presiding officer at the meetings of said board, and in all matters by this ordinance entrusted to them, a majority of those present shall rule, and in case of a vacancy by death, resignation or otherwise, the governor and remaining adviser shall take to their assistance the auditor of this state, and by a majority vote, elect a successor.

SEC. 7. The sum of two millions of dollars is hereby appropriated for military purposes, to be paid by the treasurer of the state, out of any moneys in the treasury, or any moneys that may come into the treasury not now specially appropriated for other purposes.

SEC. 8. The two advisers in the military board herein provided for, after their election, shall be commissioned by the president of this convention; and said advisers are hereby required to take such oath of office as this convention shall require and prescribe; and this ordinance shall continue in full force until the end of the war and no longer; and should the war continue until after the term of office of the present gov

ernor shall expire by constitutional limitation, then and, in that event, the two advisers herein provided for, shall be elected by the people at the same time the next governor shall be elected.

SEC. 9. Should the war continue beyond the constitutional term of office of the present governor, and it shall be necessary to continue the said advisers in office, and election is made of successors of advisers, the said successors shall hold their office for the full time of four years, and until their successors are elected and qualified, as hereinbefore provided for, and so on at every four years thereafter, until the war is concluded.

SEC. 10. This ordinance shall take effect and be in force from and after its passage.

Adopted and passed in and by the convention, on the 15th day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *for the relief of Maj. R. C. Gatlin.*

WHEREAS, Major R. C. Gatlin, of the United States army, while on a recent visit to his friends at Fort Smith, was arrested and made a prisoner of war by the authorities of the State of Arkansas, and released on parole; and whereas, Major Gatlin is represented to be a true and loyal son of the South, ready and anxious to resign his position in the United States army, and to embark in the service of the Confederate States of America, but is unable to do so, until relieved from his situation as a prisoner of war;

Be it therefore ordained by the people of the State of Arkansas in Convention assembled, That the said Major R. C. Gatlin be, and he is hereby released from said arrest and imprisonment, and absolved from all the liabilities and obligations incident thereto, and restored to his freedom as fully, in all respects, as if said arrest had never been made.

Adopted, and passed in and by the convention, on the 17th day of May, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE *for the relief of John D. Adams.*

Be it ordained by the people of the State of Arkansas in Convention assembled, That all the steamboats, either commanded or owned, in whole or in part, by John D. Adams, a citizen of the county of Pulaski, in the State of Arkansas, be, and the same are hereby made exempt from all and every kind of seizure or confiscation, by any person or persons whatever, and that said Adams shall not be molested in the enjoyment of the use of his boats by any person or authority of this state.

Adopted, and passed in and by the convention, May 18th, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the State Convention of Arkansas.*

AN ORDINANCE *concerning sales by sheriffs or constables for the collection of debts.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in Convention assembled, That all sales by sheriffs or constables, for the collection of debts, are hereby suspended until the further action of this convention in relation thereto.*

SEC. 2. *Be it further ordained, That all bonds for the delivery of property, levied on by execution, shall be returnable in accordance with, and, in all things, be subject to the laws now in force.*

SEC. 3. *Be it further ordained, That this ordinance shall be published in the Little Rock True Democrat and the Gazette, and take effect from and after its passage.*

Adopted, and passed in and by the convention, on the 20th day of May, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary of*
the Arkansas State Convention.

AN ORDINANCE *for the organization of an efficient military corps for active service, and for the election of certain officers.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled, That there shall be established, an efficient military corps of the State of Arkansas, for war and active service, which corps shall be under the control of one major general, and the two brigadier generals, heretofore elected by this convention; the said major general to be elected by this convention, and commissioned by the president thereof,*

who shall hold their offices during good behavior, or until they are found incompetent. The major general shall rank above all military officers of the state, and shall have power, when necessary, to control them, and even to bring them into actual service of the state, when ordered to do so by the military board, heretofore created. The major general shall have for his staff, one adjutant general, one quartermaster general, one commissary general, one judge advocate; one surgeon general, and such aids-de-camp, during actual service, as he may see proper to appoint, all of whom shall rank as lieutenant colonels of cavalry; *Provided*, That neither the major general, or any member of his staff shall receive pay unless in actual service, by order of the military board.

SEC. 2. The state shall remain divided as it is now, into two divisions, first and second. The brigadier generals, heretofore elected for each of said divisions, shall have command of said divisions, under the direction of the military board and major general; shall rank above, and have control, when necessary, of all brigadier generals in their respective divisions, and shall have power to appoint such staff as the major general, except that each shall appoint but two aids-de-camp, who shall rank as majors of cavalry.

SEC. 3. The two brigadier generals elected, respectively, for the first and second divisions of the state of Arkansas, under the provisions of the ordinance adopted May 13th, A. D. 1861, heretofore commissioned as such, are hereby recognized as the brigadier generals provided for by the first section of this ordinance.

SEC. 4. Each regiment of militia, or drafted infantry, called into service, shall have one colonel, one lieutenant colonel and one major. The colonel shall have power to appoint one adjutant, one sergeant major, one quartermaster, one commissary, one surgeon, and one drum and one fife major.

SEC. 5. The colonels, lieutenant colonels and majors shall be elected by the commissioned officers of the several companies, at such time and place, and in such manner as the military board, major general, or brigadier general of the respective

division shall designate. The person appointed to hold said election shall certify the result of the same to the military board, and the governor shall issue commissions to the officers elected.

SEC. 6. A regiment for active service, shall consist of not less than six, nor more than ten companies. A battalion shall consist of not less than three, nor more than five companies. Each volunteer, or drafted company shall consist of not less than sixty-four, and not more than ninety-six men; and shall have one captain, one first, one second, and one third lieutenant, said officers shall be elected by the privates, as now prescribed by law. The captain shall appoint such number of non-commissioned officers as shall be necessary to the company.

SEC. 7. Each volunteer cavalry regiment shall consist of the same number of companies and officers as regiments of infantry, and the provisions of sections four, five and six, shall, in all things, apply to regiments of cavalry.

SEC. 8. Each artillery regiment shall consist of the same number of companies as a regiment of infantry or cavalry. The officers shall be one colonel, one lieutenant colonel, and one major, who shall be elected according to the provisions of section five of this ordinance. The colonel shall be chief of engineers and artillery, and the major chief of ordnance. The colonel shall have like staff as the colonel of infantry. All the aforesaid officers and privates shall, when engaged in actual service, receive the same pay and emoluments as officers of the same rank and privates receive in the service of the Confederate States of America.

SEC. 9. The major general shall have power to appoint one chief engineer in each division, with the rank of colonel of infantry, if it should become necessary.

SEC. 10. All volunteers now in service, shall be deemed as having volunteered for one year from the day they entered the service, unless sooner discharged; *Provided, nevertheless, That* such volunteers as may have volunteered, and been accepted into service, for a shorter period than twelve months, shall be entitled to a discharge at the end of the time for which they

volunteered. All persons to be hereafter enlisted or drafted, shall be hereafter enlisted or drafted for a period to be hereafter designated by the military board.

SEC. 11. In case it shall be necessary to make a draft from the militia, to obtain the required number of troops for service under this ordinance, or any other ordinance which has been, or may hereafter be adopted, the military board, heretofore created, shall have the power to prescribe the manner and mode in which said draft shall be made.

SEC. 12. Anything in the constitution of the State of Arkansas, and all laws of this state, inconsistent, or in conflict, with any of the provisions of this ordinance, are hereby suspended during the operation of this ordinance.

SEC. 13. Nothing in this ordinance, or in any other ordinance passed by this convention, or in any law, or the constitution of this state, shall authorize the employment of an armed force in the actual service of this state, unless it shall be to meet an emergency, which shall be so urgent as to preclude provision being made for it by the Confederate States of America, so long as this state shall be a member of the same; or to provide an essential defence when the Confederate States shall neglect or refuse to provide for it; or to suppress an insurrection, or to repel an invasion.

SEC. 14. There shall not be any limitation of the number of volunteer companies in any county in this state, and the governor shall issue commissions to the officers of all volunteer companies organized in this state. Said companies shall remain under the authority and command of the respective field officers of the county or regiment to which they belong, but shall be authorized to form themselves into separate regiments and battalions, and when called into actual service shall elect their field officers as hereinbefore provided, up to the grade of colonel, inclusive, without regard to the particular brigade or division from which they came.

SEC. 15. This ordinance shall take effect and be in force from and after its passage, shall only continue in force for and during the war, after which it shall be subject to repeal by the General Assembly of the State of Arkansas.

Adopted, and passed in and by the convention, on the 20th day of May, 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *prescribing an oath to be taken by all military and civil officers in the service of this state, and for other purposes.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled, That all the military and civil officers now in the service of this State, or who may hereafter be elected, or appointed, to any office, in this state, before they shall further proceed to, or shall hereafter enter upon the discharge of the functions of their said offices, be required to take and subscribe the following oath or affirmation:*

"I, ———, do solemnly swear (or affirm), that I will support the constitution of this state, and all the ordinances adopted by the convention of the people of the State of Arkansas; and I furthermore do solemnly swear (or affirm), that I will support the constitution of the provisional government of the Confederate States of America; and I do, also, further solemnly swear (or affirm), that I will faithful and true allegiance bear to the State of Arkansas, and to the Confederate States of America, while I am a citizen thereof."

SEC. 2. *Be it further ordained, That the members of the General Assembly of this state shall take the above oath or affirmation, before they shall proceed to exercise the functions*

of legislation, to be administered to them in the manner now prescribed by law.

SEC. 3. *Be it further ordained*, That all the officers, civil and military, now in office in this state, shall report themselves to the clerk of the county court, of their respective counties, within sixty days after the adoption of this ordinance, and shall take the oath,* or affirmation, above prescribed, orally; and it is hereby made the duty of such clerks, throughout the state, to issue notice to all such officers as fail to appear and take such oath, within sixty days, and if any such officer should fail to appear and take the oath aforesaid, within ten days after service of such notice, it is hereby made the duty of such clerks to report the names of any and all delinquents to the governor, who shall, forthwith, declare the office of such delinquent to be vacant, and forthwith proceed to require such vacancy to be filled by election, or appointment, in accordance with the laws now in force. *

SEC. 4. *Be it further ordained*, That the several clerks of the county courts throughout this state, now in office, shall take the above prescribed oath, or affirmation, before the judge of the county court of their respective counties, or some person authorized to administer oaths, whose duty it shall be to report any delinquency that may occur in the manner prescribed in the third section of this ordinance, and the governor shall proceed in such cases as in said section he is directed to have such offices filled, by an election for that purpose, according to existing laws.

* SEC. 5. *Be it further ordained*, That all officers, civil and military, hereafter to be elected or appointed, shall be required to take or subscribe the above oath, or affirmation, to be indorsed on their commissions, and when so indorsed the same shall be subscribed by the officer whose commission it is, and be sworn to before some officer authorized by law to administer an oath.

SEC. 6. *Be it further ordained*, That any commissioned military officer, who may have taken the above oath, or affirmation, may administer the same to any other commissioned military officer who may not have taken the same.

SEC. 7. *Be it further ordained*, That the governor, members of the military board, auditor, treasurer, secretary of state and judges of the supreme court, be, and they are hereby required to appear before this convention, in open session, at or before the hour of eleven o'clock, a. m., of Thursday, the 23d inst., and take the oath prescribed by this ordinance, to be administered by the president of this convention.

SEC. 8. *Be it further ordained*, That after the constitution of the permanent government of the Confederate States of America is adopted, or ratified by this convention, or the people of this state, by a direct vote for that purpose, then the oath, or affirmation, above prescribed, shall be administered so as to embrace and include the constitution of such permanent government, instead of the constitution of the provisional government as now required.

Adopted, and passed in and by the convention, on the 21st day of May A. D., 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE *authorizing the governor to grant pardons
and remit fines and forfeitures in certain cases.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the governor of this state shall have power, in all criminal and penal cases, where convictions have been had in the district courts of the United States for the eastern and western districts of Arkansas, to grant pardons and remit fines and forfeitures, in the same manner, and upon

the same conditions as he is by the constitution and laws of the State of Arkansas, authorized to do in cases of convictions in the courts of this state.

SEC. 2. *Be it further ordained*, That this ordinance take effect and be in force from and after its passage.

Adopted, and passed in and by the convention, on the 22d day of May, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE for the relief of Francis M. Hill.

SECTION 1. *Be it ordained by the people of the State of Arkansas, in convention assembled*, That the president of this convention be, and he is hereby authorized and empowered to grant an unconditional pardon to Francis M. Hill, who was, at the October term, A. D., 1858, of the district court of the United States in and for the eastern district of Arkansas, convicted of robbing the mails of the United States, and sentenced to imprisonment in the jail and penitentiary house of the State of Arkansas, for a period of six years.

SEC. 2 *Be it further ordained*, That upon the evidence of the pardon, to be issued by the president, as aforesaid, being presented to the keeper of the jail and penitentiary house of this state, he is hereby required to discharge the said Francis M. Hill from his custody. •

SEC. 3. *Be it further ordained*, That this ordinance take effect and be in force from and after its passage.

Adopted, and passed in and by the convention, on the 22d day of May, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT *Secretary
of the Arkansas State Convention.*

AN ORDINANCE *for the relief of Hon. F. W. Compton.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the Hon. F. W. Compton, one of the judges of the supreme court, who is not now in this city, be allowed to take the oath prescribed by ordinance No. 35, before one of the judges of said court, or before the clerk of the circuit court of Dallas county, at any time within sixty days from the passage of said ordinance.

Adopted, and passed in and by the convention, on the 22d day of May, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE to provide for co-operation with the forces of the Confederate States of America in the defence of the western frontier and for other purposes.

SECTION 1. *Be it, and it is hereby ordained by the people of the State of Arkansas in convention assembled, That Brigadier General Pearce is hereby authorized and required to co-operate with Brigadier General McCollough, to the full extent of his ability, in the defence of the western frontier.*

SEC. 2. *Be it further ordained, That the said Brigadier General Pearce be, and he is hereby required to furnish, in the shortest practicable time, to the said General McCollough, a military escort into the Indian country, composed of one company of mounted men, out of his command, to serve as long as may be required for the purpose of the contemplated tour of said McCollough into the Indian country, in the service of the Confederate States of America.*

SEC. 3. *Be it further ordained, That the military board, heretofore constituted by this convention, shall have power, when organized, to enlarge, restrain, or annul, the provisions of this ordinance, when, in their opinion and discretion, it shall be necessary to do so.*

Adopted, and passed in and by the convention, on the 22d day of May, A. D., 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

RESOLUTION *relative to advancing supplies to General McCullough.*

Resolved, That Col. Thos. C. Peek, now in charge of the arsenal and military stores there kept, be, and he is hereby required to deliver to the order of Capt. Albert Pike, all of the subsistence supplies now in store in said arsenal; that said Capt. Albert Pike cause them to be conveyed to, and stored at Fort Smith, subject to the order of Brigadier General Pearce, who is hereby required, unless otherwise ordered by the military board, to advance to Brigadier General McCollough such supplies as may be required for his command, on the western border of this state, so far as he may be able, with safety to his command, until such time as said General McCollough can get supplies from the Confederate States, when the same shall be returned by said Confederate States; *Provided*, That subsistence for three companies, for one month, shall be left at said arsenal.

Adopted, May 22d, A. D. 1861.

DAVID WALKER, *President of the*
State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

RESOLUTION *relative to claim of S. H. Tucker & Co.*

Resolved, That the auditor of public accounts be, and he is hereby required to draw his warrant on the treasurer, in favor of S. H. Tucker & Co., for the amount of their claim, the payment of which is recommended by the committee on ways and means.

Adopted, May 22d, A. D. 1861.

DAVID WALKER, *President of the*
State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

RESOLUTION *relative to military stores.*

Resolved, That Capt. Pike be required to take up to Fort Smith, all, or the necessary quantity, of the medical stores now on deposit at the arsenal, and deliver the same to General Pearce, for the use of the army.

Adopted, May 23d, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE *for the relief of such citizens of the State of Arkansas as may be engaged in the military service of the State of Arkansas, or of the Confederate States.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That hereafter, no writ of attachment shall issue against the property of any citizen of this state, unless the creditor, or some other person for him, shall, in the affidavit now required by law, further state and swear that the defendant is not engaged in the military service of the State of Arkansas, or of the Confederate States.

SEC. 2. *Be it further ordained*, That service of any writ, or notice, upon a citizen of this state, who is engaged in the military service of this state, or the Confederate States, shall be by delivering to such person a true copy of such writ or notice, and such service may be proven by any officer now authorized by law to serve process, or by the return of any commissioned military officer of this state or the Confederate States.

SEC. 3. *Be it further ordained*, That it shall be good cause for continuance of any cause pending in any court, that a defendant is in the military service of this state, or the Con-

federate States; that he has a meritorious defence, and that the same cannot be made without his personal attendance, which facts shall be verified by affidavit of the defendant, or some person for him, and that the affidavit provided for in this section may be made before any military officer in the service of this state, or of the Confederate States, or any civil officer authorized by any state in the confederacy to administer oaths, without further authentication.

SEC. 4. *Be it further ordained*, That all statutes of limitation and non-claim be suspended in favor of, and against all persons engaged in the military service of this state, or of the Confederate states, during the time of their service.

SEC. 5. *Be it further ordained*, That no execution shall issue against the property of any citizen of this state, while in the military service of this state, or of the Confederate States, unless the plaintiff, or some other person for him, shall, at the time of applying for such writ, make and file an affidavit that the property of the defendant is about to be removed from the county, the truth of which allegation may be tried by a jury, when demanded by the defendant, or some person for him, before the tribunal to which such execution or process may be made returnable.

SEC. 6. *Be it further ordained*, That in any case where a suit may be pending, or may hereafter be instituted, in any court in this state, against two or more persons, a part of whom may be in the military service of the State of Arkansas, or of the Confederate States, it shall be lawful for the plaintiff or plaintiffs to dismiss said suit as to such of the defendants as may be engaged in such military service, and proceed against the others to final judgment and execution as now provided for by law.

SEC. 7. *Be it further ordained*, That, in all cases, where it shall appear that the judgment debtor, in service, is not the sole principal debtor, an execution may issue by order of court, after notice, against the remaining judgment debtors, but not against the person in such service.

SEC. 8. *Be it further ordained*, That, in all cases, where an

execution shall be issued against a person who shall, thereafter, before sale, enter the military service of this state, or of the Confederate States, the officer having said execution shall not enforce the same against the property of such person.

SEC. 9. *Be it further ordained*, That nothing in this ordinance shall be so construed as to prevent the due collection of taxes.

SEC. 10. *Be it further ordained*, That this ordinance may be repealed in part, or in whole, by legislative enactment, and shall be in force from and after its passage.

Adopted, and passed in and by the convention, on the 23d day of May, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE *to suspend the operation of an act of the General Assembly, entitled "an act amendatory of the militia laws of the State of Arkansas," approved the 21st of January, 1861.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the act of the General Assembly of said state, approved on the twenty-first day of January, A. D. 1861, entitled "an act amendatory of the militia laws of the state of Arkansas," be, and the same is, hereby suspended until the further order of this convention, or of the General Assembly of this state.

SEC. 2. *Be it further ordained*, That the auditor of public accounts be, and he is, hereby prohibited from drawing warrants on the treasurer under the provisions of said act, while

the same is suspended as provided in the first section of this ordinance.

SEC. 3. *Be it further ordained*, That this ordinance be in force from and after its adoption.

Adopted, and passed in and by the convention, on the 28d day of May, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

RESOLUTION *appropriating \$500.*

Resolved, That the sum of five hundred dollars be, and the same is, hereby appropriated to pay the expenses of Capt. Albert Pike, the commissioner of this state and of the Confederate States to the Indian country, and that the auditor issue his warrant upon the treasurer for the same, taking the receipt of Capt. Pike therefor.

Adopted May 23, 1861.

DAVID WALKER, *President
of the Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the State Convention of Arkansas.*

RESOLUTIONS *relative to Privateering.*

WHEREAS, The system of privateering and the granting of letters of marque and reprisal is a legitimate mode of civilized warfare, recognized, not only by European governments and international law, but by the practice and fundamental law both of the United States of America and the Confederate States of America; *And whereas*, in accordance with the well established and universally recognized system of civilized war, the government of the Confederate States of America has proceeded to the issuing of letters of marque and reprisal, and the fitting out of privateers as a means of self defence and of prosecuting, successfully, the war which has been forced upon them by the government at Washington.

And whereas, Abraham Lincoln, at present President of the United States, in obedience to the suggestions of the commercial interest of the North, as conveyed to him through imposing meetings of the New York Chamber of Commerce, and other channels, has issued a proclamation, declaring that any person privateering under the authority of letters of marque and reprisal issued by President Davis, shall be held amenable to the laws of the United States for the prevention of piracy:

Resolved, That we indorse and approve the action of President Davis and the government at Montgomery in the premises, and that we will sustain it with the whole moral and physical power of the sovereign State of Arkansas, and that we recommend to the government of the Confederate States that they retain the person of every alien enemy taken as a prisoner, and hold them personally responsible to the people of the South, if President Lincoln shall execute his infamous threat to treat a recognized usage of civilized warfare as piracy

Adopted, May 23d, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *supplementary to the ordinance entitled "an ordinance prescribing an oath to be taken by all civil and military officers in the service of the state, and for other purposes," heretofore adopted by this convention.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the ordinance passed on the day before yesterday, requiring the governor, and certain other officers therein mentioned, to appear before this convention by the hour of eleven o'clock, of this day, and take the oath prescribed by this convention, be, and the same is, hereby repealed so far as it relates to the governor; And be it further ordained, That a committee of three be appointed, consisting of the President and two other members of this convention, to wait on the governor, at his residence, in the city of Little Rock, forthwith, and administer to Henry M. Rector, governor of the State of Arkansas, said oath.

Adopted, and passed in and by the convention, on the 23d day of May, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *fixing the military rank of the Military Board, created by this convention by ordinance adopted the 15th day of May, A. D. 1861.*

Be it and it is hereby ordained by the people of the State of Arkansas in convention assembled, That the military board,

heretofore created by an ordinance of this convention, shall outrank, and be in authority above, any and all the military officers holding commissions under the authority of the State of Arkansas, and that this ordinance shall take effect and be in force from and after its adoption.

Adopted, and passed in and by the convention, on the 23d day of May, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.



AN ORDINANCE—*To enable the Military Board to call in all the arms belonging to the State not now in the hands of enlisted soldiers.*

It is hereby ordained by the people of the State of Arkansas, in Convention assembled, That the military board is hereby authorized and empowered to cause to be returned to the arsenal, at Little Rock, or to be deposited at any point which they may direct, all or any of the arms which have been distributed by virtue of an act of the General Assembly, approved January 21st, 1861, and all other arms distributed by the governor, whenever, in the opinion of said board, the public interest requires the same to be done, and, for this purpose, they shall have the right to pass all laws and orders to cause their commands to be executed and obeyed.

Adopted and passed in and by the convention, May 24th, 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*To confirm the several acts of the General Assembly of the State of Arkansas, to establish separate courts in the counties of Jackson and St. Francis, and other counties.*

SECTION 1. *Be it, and it is, hereby ordained by the people of the State of Arkansas in convention assembled, That the act of the General Assembly, entitled "An act to establish separate courts in the county of Jackson, in the State of Arkansas," approved the 28th day of December, A. D. 1860, and the act of said General Assembly, entitled "An act to establish separate courts in the county of St. Francis, in said state, approved the 10th January, 1861, are, in all things, hereby ratified and confirmed, and that the constitution and laws of the State of Arkansas, whenever they may come in conflict with this ordinance, be, and they are, hereby repealed, and shall hereafter be held to be null and void.*

SEC. 2. *Be it further ordained, That this ordinance shall apply to all counties similarly situated, and shall take effect and be in force from and after its adoption.*

Adopted and passed in and by the convention, on the 25th day of May, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

RESOLUTION—*Relative to subsistence of regiment at arsenal.*

Resolved, That the officer in charge of the provision stores at the arsenal, in Little Rock, be, and he is hereby directed to issue provisions to Col. Churchill, for the sustenance of his regiment, now rendezvoused at this place, and take his receipt for the same, and charge them to the account of the Confederate States of America.

Adopted, May 27th, 1861.

DAVID WALKER, *President*
*of the Convention of the State of Arkansas.**

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*To authorize the county court of Pulaski county to make appropriation to purchase horses.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled, That the county court of Pulaski county*

shall have power to appropriate a sufficient sum of money out of the treasury of said county, to aid in purchasing horses, to mount a company designed for the service of the Confederate States.

SEC. 2. *Be it further ordained*, That if there should not be sufficient money in the treasury, said county court may issue county scrip for the purpose aforesaid.

Adopted and passed in and by the convention, on the 27th day of May, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*To regulate for the time being, the sales of public lands within this State and for other purposes.*

SECTION 1. *Be it ordained by the people of the State of Arkansas, in Convention assembled*, That all the land offices within this state, heretofore conducted under the laws and regulations of the federal government of the United States, be, and the same are hereby continued; to be conducted under the control and authority of the State of Arkansas, and that the registers and receivers of the several land offices shall be fully authorized to continue to perform their respective duties as such, under the same laws, instructions and regulations as they have been governed heretofore, so far as the same may be applicable. And that, within sixty days from the adoption of this ordinance, each register and receiver of public moneys shall file, with the governor of this state, their bonds, with good and sufficient security, to be approved by the governor, conditioned

for the faithful performance to the State of Arkansas, of their respective duties as prescribed by the laws of the United States, and the regulations and instructions in relation thereto, passed, adopted, or given, before the sixth day of May, A. D. 1861, as modified by the ordinances, of this convention, or the necessary regulations and instructions to be adopted or given, to carry said ordinances into effect. The bond to be given by each register, shall be in the sum of ten thousand dollars, and that to be given by the receiver shall be in the sum of fifty thousand dollars; and said officers shall, within the same time, take the oath of office as prescribed by this convention.

SEC. 2. *Be it further ordained*, That said registers and receivers shall hereafter make their reports to the auditor of public accounts, in the same way, at the same times, and in the same manner that they were, heretofore, required to do and perform to the authorities at the city of Washington, and the receivers of public moneys shall make their payments to the state treasurer, and take from him duplicate receipts, and file one with the auditor. The auditor of public accounts shall keep a record of all his transactions with the registers and receivers in a set of books, to be, by him, kept for that purpose. Said registers and receivers shall receive the same salaries and commissions that they heretofore received from the government of the United States, to be paid quarterly, out of the state treasury, and out of the particular land fund received from the sale of public lands, and a sufficient sum of money arising from the sale of such lands be, and the same is hereby appropriated to pay the same.

SEC. 3. *Be it further ordained*, That no land warrant shall hereafter be located on any of the lands of this state, except land warrants issued to citizens of Arkansas, their widows or children; or to soldiers, or volunteers, who were from this state, their widows or children; and all entries made by land warrants since the sixth day of May, A. D. 1861, by non-residents, or for speculation, are hereby declared void.

SEC. 4. *Be it further ordained*, That all lands heretofore reserved by the United States in proximity to any and all railroad sur-

veys within this state shall, hereafter, be sold by the registers of the proper land offices, at not less than one dollar and twenty-five cents an acre, but, before the restoration of said lands to market at least sixty days notice shall be given by the register and receiver of the proper land office, under the instructions of the auditor, that said lands will be offered at public sale to the highest bidder for cash, and after they shall have been offered at public sale, as aforesaid, such of them as shall remain unsold, shall be sold at private sale at said price of one dollar and twenty-five cents an acre; *Provided*, That all actual settlers upon said lands shall have the right to enter the same at said minimum price before the day of sale to the amount of one hundred and sixty acres, upon making proof of such actual settlement before the register, in accordance with instructions to be issued by the auditor in this regard. And that the tract of unsurveyed land, known as the Cherokee reserve, at the mouth of the Illinois Bayou, in Pope county, on the Arkansas river, shall be surveyed and subdivided under the direction of the auditor of public accounts, who shall have the proper plats made, and shall furnish the register of the land office of the Clarksville district, with copies of the same, and the register aforesaid, shall sell the said land at public sale, on the first Monday of January, A. D. 1862, first giving at least sixty day's notice of such sale by publication in some newspaper published in the city of Little Rock, at which sale said lands shall be sold to the highest bidder for cash, in lots or subdivisions, not exceeding eighty acres, with fractions more or less, but shall not be offered for sale at less than five dollars an acre, and if not then sold shall remain subject to private sale for twelve months at that price, after which time the unsold portions of said land shall be subject to private sale, at two dollars and fifty cents an acre, and a sufficient sum of money is hereby appropriated out of the state treasury, to pay the expense of making such surveys, maps and plats. And the lands heretofore reserved by the United States government, for the use and benefit of Fort Wayne, in Benton county, shall be offered at public sale, upon like notice by the register and

receiver of the land office, at Huntsville, on the first Monday of August next, whereat said lands shall not be sold for less than one dollar and twenty-five cents an acre. But so much of said reserve, not exceeding eighty acres, as in the opinion of the military authorities in that division of the army may be necessary for such military post, or encampment, shall not be offered at such public sale.

SEC. 5. *Be it further ordained*, That all the swamp lands which have been located, or reported as such, to the proper authorities of this state, and which have not been confirmed by the commissioner of the general land office, and the authorities at the city of Washington, be, and the same are hereby deemed to be fully confirmed, and this confirmation shall have the same effect as though said lands had been patented to the State of Arkansas, except all those tracts or parcels of land that were sold by the registers of the several land offices of the United States, to any party or parties, whatever, who shall be entitled to their patent deeds for the same. The auditor shall issue deeds to the holders of certificates of entry of such lands as are confirmed by the provisions of this section, upon such holders filing their certificates in his office. No further selections of swamp lands shall be made, and those herein confirmed shall be sold by the swamp land agents, who shall be governed by existing laws in relation to advertising and making sales of swamp lands, after they shall have been certified by proper lists and plats, to the several swamp land officers, under the direction of the auditor of the state. And, in order to prepare the lists aforesaid, of all the swamp lands hereby confirmed, the auditor shall receive from the swamp land secretary, who is hereby required to turn over the same, all the lists of selections that have been reported to his predecessors in office or to him, by the locating agents in the several counties, to be used by the auditor in preparing the necessary and proper lists, and after he has fully prepared said lists, he shall return the original lists of selections to said swamp land secretary. Nothing in this section shall be so construed as to prejudice the legal or

equitable rights of any person or corporation, who has acquired such rights under laws now or heretofore in existence.

SEC. 6. *Be it further ordained*, That it shall be the duty of the auditor, at the end of every three months after the adoption of this ordinance, to transmit to the swamp land agents lists of unconfirmed lands patented in their respective districts, and it shall be the duty of the land agents to correct their plats by noting the entries which do not appear on said plats, so as to conform to such lists.

SEC. 7. *Be it further ordained*, That all persons who may have bought or entered any lands at any of the land offices of the United States, and paid for the same at the graduated or other price, for actual settlement, or otherwise, shall have their patents delivered to them by the registers of the land offices upon the surrender of the certificate of location, or the receipt of the receiver; or, if such certificate or receipt be lost, then, upon satisfactory evidence of such loss, if said patents shall be in the offices, and all patents thereafter remaining in the offices of the several registers, shall remain until disposed of by the General Assembly of this state.

SEC. 8. *Be it further ordained*, That the auditor shall, so far as applicable, have the same general powers, with authority to issue instructions to registers and receivers, as the commissioner of the general land office of the United States formerly had, and shall, if he thinks the public interest demands it, appoint some competent person to examine the books and accounts of any or all of the said land offices, and to report the condition thereof, and the expenses of such examination shall be paid out of any funds arising from the sale of lands, not otherwise appropriated.

SEC. 9. *Be it further ordained*, That each register and receiver shall be required to file with the auditor of public accounts, a full schedule, under oath, of all the public property heretofore belonging to the federal government, now in their hands as such registers and receivers, and, at the same time, execute a receipt therefor to the State of Arkansas. And should any register or receiver, neglect or refuse to comply with

the requirements of this ordinance, or should die, or resign, in that case, upon official information thereof, the governor of this state shall appoint some proper and suitable person to fill such vacancy, and the person so appointed shall be required to take the proper oath, and give the required bond for the faithful performance of duty; which appointment shall continue until the last day of the next regular biennial session of the legislature.

SEC. 10. *Be it further ordained,* That all suspended entries in the several land offices shall be, forthwith, corrected by the register of the proper office, in pursuance of the instructions heretofore received from the commissioner of the general land office at the city of Washington, and according to the rights of parties, by reconciling all seeming errors and conflicts in accordance with the spirit and letter of the law governing such cases, and said registers shall make quarterly reports of the same to the auditor for his approval, who is required to supervise the same, and should there exist any discrepancies, or errors, to send the same back to the register for further corrections, and said register shall issue corrected certificates for all errors by him reconciled, upon which certificates deeds shall be made.

SEC. 11. *Be it further ordained,* That the auditor shall adjust the accounts of all registers and receivers for such salaries and commissions as may now be due, and draw his warrant on the treasurer for the amount due to each, to be paid out of the funds paid into the treasury by receivers of public money, and a sufficient sum is hereby appropriated for that purpose.

SEC. 12. *Be it further ordained,* That the auditor of public accounts be, and he is, hereby made the custodian of the books, maps, plats, furniture and papers of all description, and all property, pertaining to the late surveyor general's office of this state, and that the same shall be turned over to him; and that the secretary of state be, and he is, hereby required to furnish a suitable room for the safe keeping of the same.

SEC. 13. *Be it further ordained,* That this convention, after the adoption of this ordinance, shall elect one register of the land office for the Clarksville land district, who shall be com-

missioned by the president of this convention, after said register shall have executed a bond, with two or more good and sufficient securities in the sum of ten thousand dollars, to be approved by the president aforesaid, and said register shall take the oath now prescribed by this convention, and for the faithful performance of his duties.

SEC. 14. *Be it further ordained*, That the receivers of public moneys, or the securities of any such receivers, are hereby ordered and directed to pay into the state treasury all moneys now in their hands, or possession, which the government of the United States was, heretofore, entitled to receive, and to take from the state treasurer duplicate receipts therefor, and file one of the same with the auditor of public accounts; and, if they shall fully pay all of said money in their hands, then the convention hereby pledges the sovereignty of the State of Arkansas to hold all of said parties harmless on their bonds to the United States.

SEC. 15. *Be it further ordained*, That all regular and valid entries of seminary, saline, internal improvement, or swamp lands, whether the said swamp lands have or have not been patented to the state, are hereby confirmed, and the holder of any original or patent certificate, or his, or her assignee, or the party or parties in whom the legal title to the land exists, may present his or their certificate to the auditor of public accounts of the State of Arkansas, who, if he find that the sale of such land was made in conformity to law, and has been fully paid for, shall execute, under his hand and official seal, a deed conveying all the right, title and interest of the state thereto, in the same manner as deeds are made to donees of forfeited lands by the auditor, except as to acknowledgment of the same, and the seal of the auditor shall be sufficient verification and authentication of the deed so made, and the same is hereby made and shall be received as evidence in any court of record of this state. And all lands sold by the registers of the land offices, for which patents have not issued, and all that may be hereafter sold by them, shall have deeds issued for the same, in like manner. The auditor shall not issue any certificate to the

governor, but make deeds and file the original certificates, and keep an abstract of the deeds so made, from which abstract he may issue duplicates; and for his services in examining, filing, making deeds and record of the same, the auditor shall be entitled to a fee of one dollar on each deed so made, and from the fees so received on deeds for lands sold by the registers, shall pay a competent clerk to write, or fill up, the same, without charge to the state for the services of such clerk. And the auditor of public accounts and the treasurer of this state be, and they are, hereby fully authorized to appoint, each, one deputy, which appointment shall be made in writing, and the deputy so appointed shall take the oath now required by law, and such letter of appointment shall be filed with the secretary of state, and the auditor and treasurer shall be responsible on their official bonds for all the acts and conduct done and performed by their deputies, respectively, in the performance of their official duties.

SEC. 16. *Be it further ordained*, That deeds shall be issued to, and in the names of, all persons who may have entered any of the public lands of the United States, prior to the sixth of May, 1861, not patented by the United States, up to this time, in the same way in which deeds or patents are authorized to be issued upon swamp land entries, and the presentation and surrender of the receipt of the receiver of public moneys of the United States, shall be sufficient to authorize the issuance of such deed or patent for the lands in such receipt set forth.

SEC. 17. *Be it further ordained*, That it shall not be necessary for those who may have entered the lands of the United States under the acts of Congress graduating the price of such lands, to make the required proof of habitation and cultivation under the said acts, but all such entries be, and they are, hereby in all things ratified and confirmed without such proof, to be deeded or patented in the manner provided in the last preceding section.

SEC. 18. *Be it further ordained*, That the State of Arkansas shall hold in trust, for the class of persons hereafter mentioned

in this section, a sufficient amount of the moneys which may arise from the sale of the public lands specified in this section, to be appropriated by the General Assembly of this state, after the restoration of peace, for the purpose of refunding to all citizens of the State of Arkansas, the amount of money which any such citizen may have overpaid the United States for lands by him entered in this state under the graduation law of the United States of the fourth of March, A. D. 1854, but no such claim shall be paid out of any appropriation for that purpose made, until the same shall have been ascertained and authenticated in a manner to be hereafter prescribed by ordinance of this convention or act of the General Assembly.

SEC. 19. *Be it further ordained*, That no public sale of swamp lands shall be made before the first day of October, A. D. 1861.

SEC. 20. *Be it further ordained*, That where proof of pre-emption rights have not been made, pre-emptors on swamp lands shall make proof on or before the day of public sale, and, upon satisfactory proof being made, the state land agent shall give his certificate, which shall state that the pre-emptor has proven a pre-emption to the tract of land therein mentioned, which certificate may be transferred by assignment, indorsed thereon, signed, sealed and acknowledged by the assignor.

SEC. 21. *Be it further ordained*, That pre-emptors, their heirs, executors, administrators and assigns, may make payment for such lands on or before the first day of January, A. D. 1863.

SEC. 22. That in case of a claimant of a pre-emption being in the military service of this state or the Confederate States, the proof may be made by others than the pre-emptor.

SEC. 23. *Be it further ordained*, That all laws of this state, not inconsistent with this ordinance, regulating pre-emptions, are hereby continued in force, and this ordinance may be altered or amended at any regular session of the General Assembly of this state.

Adopted, and passed in and by the convention, on the 27th day of May A. D., 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE to provide for the payment of debts due from the government of the United States to citizens of the State of Arkansas, out of moneys seized from the United States by the State of Arkansas.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled, That all moneys in the hands of any officer of the United States, within the State of Arkansas, previous to the sixth day of May, A. D., 1861, which have been, or may hereafter be seized to the use of the state, shall be, and the same are hereby declared to be held in trust by the state, so far as the same may be necessary, for the payment of claims justly due from the government of the United States to citizens of the State of Arkansas, or of the Indian territory west of the State of Arkansas, growing out of the late United States court for the western district of Arkansas, on or before the said sixth day of May; Provided, That such claims shall be presented and authenticated as hereinafter required.*

SEC. 2. *Be it further ordained, That before payment shall be made of any claim of the character specified in the foregoing section, whether the same be evidenced by draft, certificate of any United States officer, or otherwise, except the pay of pensioners, the claimant shall file his draft, or other evidence of*

debt, or statement of account, in the office of the auditor of public accounts of the State of Arkansas, and make proof, which shall be satisfactory to the auditor, that the debt is justly due; that the claimant is a citizen of this state, or of the Indian territory, west of the State of Arkansas; having a claim growing out of the late United States court at Van Buren; that he is bona fide, the original holder or owner thereof, or an assignee for value, and that he was such holder, or owner, or assignee, previous to the sixth day of May, A. D. 1861; *Provided*, That after such proof shall have been made, such claim shall remain on file in the auditor's office for ninety days from the date of the passage of this ordinance, at the expiration of which time the auditor shall make an estimate of the whole amount of moneys seized from the United States, as specified in the foregoing section, and of the whole amount of such claims; and if there shall be a sufficiency of such moneys to pay the whole of such claims, then the auditor shall draw his warrants upon the treasury in favor of such claimants, for the full amount of their respective claims. But if the whole amount of said claims exceed the whole amount of such moneys, then the auditor shall draw warrants on the treasury for the payment of said claims, *pro rata*.

SEC. 3. *Be it further ordained*, That it shall be the duty of the United States pension agent for the State of Arkansas, or other person having possession of the same, to deliver to the auditor the pension roll, and all books and papers pertaining to such agency, and the auditor, upon the application of any pensioner, and proof being filed, as required by the laws of the United States, shall issue his warrant upon the treasurer of this state for the amount due such pensioner to the 6th day of May, 1861.

SEC. 4. *Be it further ordained*, That immediately after the passage of this ordinance, the auditor shall give notice, by advertisement, in at least five newspapers, published in this state, of the provisions thereof, requiring all persons having claims of the character referred to in the first section of this ordinance, to present the same to him, within ninety days, for examination.

SEC. 5. That no claimant shall be entitled to the benefit of

the provisions of this ordinance, unless he shall present his claim within the time prescribed in the foregoing section.


SEC. 6. *Be it further ordained*, That the auditor shall keep a record of all his proceedings, under the provisions of this ordinance, as of other official transactions and make report of the same to the General Assembly of this state.

Adopted, and passed in and by the convention, on the 28th day of May, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*



AN ORDINANCE *to provide revenue for the State of Arkansas.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That all moneys in the state treasury, which have been received from the sale of seminary, saline, internal improvement and swamp lands, and all other public lands within the state, and all moneys now in the hands of the various land officers, and in the various land offices throughout the state, arising from the sales of the lands above mentioned, and all moneys which may hereafter arise from the sale of the same, are hereby consolidated and appropriated as a part of the revenue of the state, to be used for military or other state purposes; and all further contracts for the reclamation of swamp lands by the state, to be paid out of the swamp land fund, or otherwise, are hereby forbidden; and all further distribution to the counties, of the moneys arising from the sales of the seminary, saline, and internal improvement lands, is hereby forbidden; *Provided*, That all contracts made by the

state for the reclamation of swamp lands, previous to the first day of May, A. D. 1861, may be discharged out of the swamp land fund in the manner, and under the terms provided for by existing laws; and that the dividend due to counties from the seminary, saline and internal improvement funds, on the first day of January, A. D. 1861, may be paid as heretofore, and the appropriations of portions of the saline and seminary funds, heretofore made for the blind institute, shall not be defeated by this ordinance; *And provided further*, That an account shall be kept of the receipts into the treasury from each swamp land district, for the purpose of future adjustment with said districts, and that, in all cases, where the state has made any grant of lands for any specific purpose, or has set apart, or invested lands for any such purpose, for railroads, reclamation, or any purpose of internal improvement, the proceeds arising from the sale of said lands, as contemplated by this ordinance, shall constitute a trust fund, subject to be appropriated by the General Assembly for such purpose and object, whenever peace may be restored, and to that end, the state will account for the same with six per centum interest thereon, to be computed on the respective amounts received into the treasury down to the close of each fiscal year.

SEC. 2. A state tax for the year 1862 shall be levied on all the objects of taxation enumerated in sections one and two of Gould's Digest, and on all sums of money, over and above his liabilities, on hand at the time of the assessment, amounting to one-third of one per centum on the assessed value thereof, for the said year, and a supplemental tax of one-sixth of one per centum shall be levied as a state tax, on all such objects of taxation, for the year 1861, and it shall be the duty of each clerk of the county court to issue his warrant to the collector of his county, commanding him to collect a supplemental tax of one sixth of one per centum on all objects assessed for taxation, for state purposes, for the year 1861, and such collector shall collect and account for the same in the manner now required by law; *Provided*, That the assessors and collectors of revenue shall not be allowed any compensation for assessing

or collecting the extra taxes authorized to be levied and collected by this ordinance.

SEC. 3. There shall be immediately issued, by the treasurer of the state, bonds, to be denominated Arkansas war bonds, to the amount of two millions of dollars, for the sums of five, ten, twenty, fifty, one hundred, two hundred, three hundred, four hundred and five hundred dollars each, properly lettered, numbered and registered, by each of which bonds the state shall promise to pay the sum therein specified, to the bearer, at the expiration of five years from the first day of July, A. D. 1861, with interest at the rate of eight per centum per annum from the date thereof, with coupons attached, for the payment of said interest. The treasurer shall keep a well bound book, in which he shall register each sale of said bonds, the amount and date of each bond, and the name of the purchaser. When the said bonds are ready for issuance, the treasurer shall present the same to the auditor, who shall countersign the same, keep a record thereof, return them to the treasurer and charge him with the amount on the books in the auditor's office; *Provided*, That the military board shall have power to direct the auditor, in all cases, to draw warrants for specie or bonds, as they may see proper.

SEC. 4. The sum of one hundred and sixty thousand dollars annually, or so much thereof as may be necessary to pay the interest on bonds actually sold, out of the revenue of the state, is hereby appropriated for the payment of the interest on the bonds, to be issued as hereinbefore provided for, which interest shall be due and payable on each of said bonds at the end of every six months from the date thereof, and the coupons hereinbefore mentioned shall be so arranged and printed as to conform to the provisions of this section for the payment of said interest; and the treasurer shall, upon the payment of the revenue, each year, into the state treasury, set apart and retain a sufficient sum out of said revenue, to be devoted and appropriated solely to the payment of the interest on such of said bonds as may have been negotiated, which interest shall be made payable at the state treasury.

SEC. 5. The bonds hereinbefore provided for shall be offered for sale by the treasurer, and he shall publish proposals for the sale of said bonds, to be made at his office, and such other places as he may designate in said proposals; and all funds arising from the sale of said bonds shall constitute a part of the revenue of the state for military and other state purposes.

SEC. 6. The faith of the State of Arkansas, and all the public lands thereof, are hereby pledged for the payment and redemption of said bonds.

SEC. 7. When there are not such sufficient par funds in the treasury to pay any warrant drawn by the auditor, (without disturbing the amount set apart to discharge the interest on the said war bonds,) it shall be the duty of the treasurer to issue to to the holder of such warrant, a treasury warrant for the amount due, bearing interest at the rate of eight per centum per annum, from the date of the same, and payable to the person entitled to such warrant, or to bearer.

SEC. 8. The treasurer shall keep a register, in a well bound book, of all warrants issued by him, and shall issue such warrants in such form, and with such devices, as may be best calculated to prevent frauds upon the treasury, which warrants shall be dated and numbered, and paid according to their date and number. No warrant of a later date shall be paid until all of a prior date and number shall have been paid, unless when there may be funds enough in the treasury to pay all of a prior date and number, and when such may be the case, it shall be the duty of the treasurer, especially to set apart a sufficient fund to pay all warrants of a prior date and number which are unrepresented, and apply the residue of the funds on hand to the payment of those presented in their regular order of date and number; *Provided, however,* That such warrants shall, at all times, be receivable from collectors and receivers of state revenue, without regard to date or number.

SEC. 9. No sum due from the state, except interest upon the bonds authorized by this ordinance, shall be paid from the treasury, in par funds whilst there are any outstanding and unpaid treasury warrants, or scrip, unless when there may be

funds enough in the treasury to pay all outstanding warrants, which shall be set apart for that purpose, and the residue on hand applied to the payment of such dues.

SEC. 10. The bonds so authorized to be issued, with coupons attached to the same, and treasury warrants with interest due thereon, shall be receivable, at par, in payments of debts due to the Bank of the State of Arkansas, and Real Estate Bank of the State of Arkansas; in payments for any debt due to the state, either in her own right or as trustee; in payment for the purchase of any lands belonging to the state, and in payment of state revenue.

SEC. 11. Every collector of revenue, and other agent for the securing of moneys for the state, shall pay into the state treasury the precise funds which he shall receive or collect, whether it be in treasury warrants, bonds, coupons, or coin; and every such collector and agent, and every bank officer shall indorse on each treasury warrant, bond and coupon, which he shall receive, in accordance with the provisions of this ordinance, the name of the person from whom he received the same, and the date upon which he received it; from the date of which indorsement such bond or treasury warrant, as the case may be, shall cease to bear interest; and every such agent, collector, or bank officer, who shall purchase, either directly or indirectly, any of such bonds, warrants or coupons, with any money, coin, or other funds, received by him for the state, or either of said banks, shall be deemed guilty of a high misdemeanor, for each purchase so made, and upon conviction thereof, shall be fined in any sum not less than one thousand dollars; and every such collector, agent, or bank officer, who shall fail to indorse the date of receiving, and the name of the person from whom he received any such bond, warrant, or coupon, as hereinbefore provided, shall, for each such failure, be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty dollars.

SEC. 12. It shall be the duty of the treasurer immediately to cancel all bonds, coupons and warrants, which may be paid into the treasury by collectors, or receivers of state funds, or

which may be redeemed by him with coin; and no bond, warrant, or coupon, shall be re-issued by the treasurer.

SEC. 13. All the laws of the State of Arkansas, relating to the counterfeiting and uttering counterfeit bank notes, and to falsely issuing bonds and warrants of the state, shall apply to the counterfeiting and uttering counterfeits of such bonds, coupons and warrants.

SEC. 14. A sufficient sum of money is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, to pay the expense of preparing and printing said bonds, coupons and treasury warrants.

SEC. 15. As said bonds, hereinbefore provided for, shall return into the treasury, others, due at the same time for the same amounts, and bearing the same interest as those returned may be issued in their places, until the expiration of three years from the passage of this ordinance; after which time they shall be redeemable at the pleasure of the state, and shall cease to bear interest after they are called in by the treasurer for redemption.

SEC. 16. This ordinance shall continue in force from its adoption until repealed by this convention, or the General Assembly of this state.

Adopted, and passed in and by the convention, on the 28th day of May, A. D. 1861.

DAVID WALKER, *President of the*
Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*Providing for special sessions of county courts.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That it shall be lawful for the county court of any county in this state, upon the call of the presiding judge of said court, at such time as he may appoint, to hold a special session of said court, with power to transact any and all business which may come before it, and within the scope of its jurisdiction.

Adopted, and passed in and by the convention, May 29th, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the State Convention of Arkansas.*

AN ORDINANCE—*To postpone the time of the sale of the lands in the Fort Wayne reserve.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the lands of the Fort Wayne reserve shall not be offered for sale until the first Monday of October next; after sixty days notice of the same.

Adopted, and passed in and by the convention, on the 30th day of May, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT *Secretary
of the Arkansas State Convention.*

AN ORDINANCE—*Supplementary to an ordinance entitled "An ordinance to provide revenue for the State of Arkansas."*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the ordinance entitled, "An ordinance to provide revenue for the State of Arkansas," adopted May 29th, 1861, shall not be so construed as that said ordinance, shall, in any manner, conflict with the first section of an ordinance, entitled, "An ordinance to provide for the payment of debts due from the government of the United States to citizens of the State of Arkansas, out of moneys seized from the United States, by the State of Arkansas;" but the moneys in the hands of the various land officers in the State of Arkansas, appropriated by the ordinance last aforesaid, shall not be included in the moneys appropriated as a part of the revenue of the state, by the ordinance to which this ordinance is supplemental.

Adopted, and passed in and by the convention, on the 30th day of May, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE—*To prevent aid and comfort from being given to the enemy.*

WHEREAS, War exists between the Confederate States of America and the United States of America, by the act of the latter; Now therefore, the people of the State of Arkansas, in convention assembled, do ordain:

SECTION 1. That every citizen of any one of the said United States of America, is, and henceforward shall be taken and regarded as an alien enemy of the people of the State of Arkansas, so long as the state whereof he is a citizen, shall continue to be one of said United States, or at war with said Confederate States; and all the consequences and incidents of such status of alien enemy shall, during the whole of such time, attach to him or her; and the same law and rule shall apply to all residents of the District of Columbia and of any territory of the United States, so long as such district or territory shall continue to be held and occupied by the said United States, until said war shall cease.

SEC. 2. Any citizen of this state, or person resident herein, who shall, after the adoption of this ordinance, pay or remit to any alien enemy, in discharge of a debt or otherwise, any moneys or other thing of value, whatever, or shall place the same in the hands of another, to be so paid or remitted, and any attorney at law, or other person, who shall collect, or receive from any person in this state, any moneys or other thing of value, for any alien enemy, or on account of a debt due any alien enemy, or shall take and receive in trust, by, or without conveyance, any property or moneys, whatever, for any alien enemy, and shall pay or deliver the same to such alien enemy, shall be deemed guilty of a high misdemeanor, and of giving aid and comfort to the enemy; and being convicted thereof, upon indictment in the proper court, shall be imprisoned in the jail and penitentiary house of the state, not less than one nor more than five years, and pay to the state, for the use of the military chest, a fine, equal to the amount so received for, or paid over to the enemy. And these provisions shall apply to all attorneys at law, who permit such moneys to be collected by or upon execution issued, or judgment obtained in the name of, or for the use of any alien enemy; *Provided*, That this section of this ordinance shall not take effect until after the lapse of twenty days from the passage of this ordinance, except where the party so acting shall have actual notice hereof at an earlier period; *And provided further*, That

all moneys or property, of any kind soever, now belonging to, or in any manner connected with, or which may hereafter belong to, or be, in any manner, connected with the American Bible Society, be, and the same are hereby exempted from the provisions of this ordinance in as full and complete a manner as if the same had not been adopted, and all citizens of the State of Arkansas, acting as agents of said society within the state shall be allowed to continue the distribution of the bible in said state, free from any molestation or restriction.

SEC. 3. Every suit now pending in this state in any form of action for the recovery of moneys, the plaintiffs or either of the plaintiffs in which, or the person for whose use the suit is brought, either actually or upon the record, or in secret trust, is an alien enemy, shall be suspended and stand continued until the disability of such plaintiff or person is removed, and every execution issued on any judgment obtained by, or for the use of any such person or persons, shall be and is ordered to be returned; such suit shall be ordered to stand continued upon motion and proof of the disability of the plaintiff or beneficiary in each and every such suit summarily heard; and such execution may be returned, on motion made in vacation before the judge of the court, who shall hear such proof at chambers, and summarily dispose of such motion; the attorneys or counsel of the plaintiffs may be summoned and required to testify fully upon such motions, without regard to any privilege whatever; and there shall be no formal pleadings, issue or trial.

SEC. 4. It is hereby made the duty of every such attorney at law, forthwith to cause every such execution to be returned, and to continue or dismiss every such suit.

SEC. 5. All sales, or contracts for sales, of any lands holden in this state, by any citizen or citizens, corporation or company, resident, or being in, or citizens of any one or more of said United States, or the territories thereof, and any and all bond or bonds, or other assurances, or agreements, or contracts, for title to any such lands, made, executed or agreed to, subsequent to the sixth day of May, A. D., 1861, and during the disability aforesaid, are hereby declared to be utterly and absolutely void

and of no effect, and all the courts of this state shall so hold and consider the same.

SEC. 6. This ordinance shall not apply and have effect as to citizens of the states of Delaware, Maryland, Kentucky, North Carolina or Missouri, or of the Indian nations on our frontiers, or the territories of Arizona and New Mexico.

SEC. 7. All persons, firms or corporations within this state, who are now indebted to citizens or corporations of any of the United States or territories thereof, or the district of Columbia, except the states and territories named in the preceding section of this ordinance, shall pay the amount of their indebtedness to the treasurer of this state, subject to the same stay as other debts of the same character, who shall execute a receipt therefor, to the person, firm or corporation making such payment; and the faith of the state is hereby pledged to hold them harmless against the claims or demands of the persons or corporations to whom the moneys so paid may be due.

SEC. 8. In case a claim shall be due to plaintiffs, one or more of whom shall be alien enemies, and one or more of whom shall not be alien enemies, a suit may be brought in the name of the citizen, or alien friend, for so much as shall be due him, and it shall be sufficient for the plaintiff to aver that the other claimant is an alien enemy; and the courts may order an execution for a portion of any judgment, where it shall appear that such portion is due to a person authorized to sue.

SEC. 9. All debts or accounts hereafter contracted by any of our citizens for arms, munitions of war, or provisions, with citizens of non-slaveholding states, shall be held good in law and equity as heretofore.

SEC. 10. All moneys received in the state treasury from the citizens of this state, under the operations of this ordinance who are indebted to citizens of the United States, shall be accounted for and paid to such creditors by this state, upon a final adjustment of pending difficulties between the Confederate States and the United States, under the terms of any treaty of peace that may be negotiated between the Confederate States and the United States.

SEC. 11. This ordinance may be repealed in whole or in part by the General Assembly, at any regular session thereof.

Adopted and passed in and by the convention, on the 30th day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE to provide for the relief of the families of volunteers in actual service, in certain cases.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled, That the county courts of this state be, and they are hereby empowered to set apart and appropriate as a fund for the relief and support of the families of volunteers while in actual service, when from affliction or indigence such relief may be necessary, so much of the special tax which the said courts are authorized to levy by an ordinance adopted by this convention on the eleventh day of May, A. D., 1861, entitled "an ordinance to levy a tax for military and other purposes," as in the judgment of either of said courts may be necessary to constitute the relief fund herein contemplated; Provided, That the fund raised and appropriated shall, in all cases, be expended for the benefit of families of volunteers residing in the county where the same is raised; and the collector of revenue shall receive no compensation for collecting the tax provided for by said ordinance above referred to.*

SEC. 2. *Be it further ordained, That the county courts be*

authorized to issue county scrip, anticipating the tax necessary to effect the objects of the preceding section.

SEC. 3. *Be it further ordained*, That the county courts of this state be, and they are hereby authorized and empowered to appoint and raise semi-annually, a home guard of minute men, whose term of service shall be for three months in their respective limits, to consist of companies of not less than ten for each township, whose officers, when elected by the companies respectively, shall be commissioned by the county courts, and whose duty it shall be to see that all slaves are disarmed, to prevent the assemblage of slaves in unusual numbers, to keep the slave population in proper subjection, and to see that peace and order are observed; and said guard are authorized to arrest all suspected persons, and bring them before some justice of the peace, without warrant for trial by the civil authorities; the home guard of minute men shall be armed and equipped by each county, at its own expense, out of the tax provided for by said ordinance, "to levy a tax for military and other purposes," and compensation may be made to said guard out of said tax, if, in the discretion of the county court, such compensation should be made. The home guard shall assemble in their respective townships to take precautionary measures at least once in each week, at the call of the commanding officer, and shall be momentarily ready for service at his call; persons engaged in this branch of duty shall, upon failure to obey the call to duty by the commander, forfeit not less than one dollar nor more than five dollars for each offence, to be collected in the name of the presiding judge of the county court, before any justice of the peace, to be applied by the county court in defraying the expenses of this branch of the public service, unless it shall be shown that such failure was the result of sickness or other good cause. A general commander shall be appointed for each county by the several county courts, whose duty it shall be, when necessary, to take charge of all the home guard minute men in his county and direct their operations; and the county court is authorized to issue county bonds or

scrip, for the purpose of raising money immediately to meet the expenses contemplated by this section.

SEC. 4. *Be it further ordained*, That this ordinance shall be repealable by the General Assembly of this state, and this ordinance shall be in force from and after its adoption.

Adopted and passed in and by the convention, on the 30th day of May, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *appropriating a sum of money.*

Be it ordained by the people of the State of Arkansas in Convention assembled, That the sum of five thousand dollars be, and the same is hereby appropriated to General Thomas H. Bradley, out of any money now in the treasury, it being for money advanced to General James Yell, for the Arkansas troops opposite Memphis, if he has not retained such sum so advanced out of the ten thousand dollars heretofore appropriated; if he has, the said five thousand dollars shall be placed in the military chest of the second division of Arkansas volunteers.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *In relation to proceedings pending in the courts of the United States.*

Be it ordained by the people of the State of Arkansas in convention assembled, That all proceedings pending in the late courts of the United States, in this state, shall be transferred to the courts of the Confederate States, in the same manner as though the proceedings had been commenced in the said courts of the Confederate States, and said courts shall have power to determine and dispose of said proceedings, and enforce the judgments and decrees rendered in said United States courts.

Be it further ordained, That cases pending in the supreme court of the United States from this state, if they shall be hereafter determined, the adjudication shall be enforced.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.



AN ORDINANCE *concerning revenue.*

Be it ordained by the people of the State of Arkansas in convention assembled:

SECTION 1. That the collectors of the public revenue shall not receive from any person more than two-thirds of the tax, or revenue, due from such person to the state, in state bonds, coupons or treasury warrants. And the other third part of the taxes, or revenue due from such person, shall, in every instance,

be paid in coin, notwithstanding such person may have in his possession, and tender in payment, bonds, coupons or scrip; *Provided*, That tax-payers shall have the right to pay the amount required to be paid in coin, in over-due coupons that may be redeemable for the year that the taxes are due.

Be it further ordained, That every sheriff or other collector of taxes for the State of Arkansas, who has not paid into the state treasury the revenue due the state for the year 1860, from the county for which he is collector, shall collect and pay the same, or such part thereof as remains unpaid, into the treasury in coin.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE attaching a part of the county of Sebastian to the counties of Scott and Polk..

Be it ordained by the people of the State of Arkansas, in convention assembled:

SECTION 1. That all that part of Sebastian county lying south of the Poteau Mountain, and taken from the county of Scott for the purpose of creating the county of Sebastian, be, and is, hereby attached to and made a part of the county of Scott.

SEC. 2 *Be it further ordained*, That all that part of Polk county which was taken by an act of the General Assembly in the creation of Sebastian county, be, and is, hereby attached to and made a part of the said county of Polk.

SEC. 3. *Be it further ordained*, That nothing in this ordinance shall be so construed as to effect any suit now pending in any court of justice, or the collection of revenue in the counties herein named.

SEC. 4. *Be it further ordained*, That this ordinance shall be in force from its adoption.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*

of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*

of the Arkansas State Convention.

AN ORDINANCE *for the relief of Richard H. Thompson, as sheriff and collector of the county of Jefferson; James C. Drennen, as sheriff and collector of the county of Columbia; James Norris, as the sheriff and collector of the county of Ashley; Robert Sewel, as sheriff and collector of the county of Union; and W. A. Alexander, as sheriff and collector of the county of Hempstead.*

WHEREAS, Richard H. Thompson, as sheriff and collector of the county of Jefferson; James C. Drennen, as sheriff and collector of the county of Columbia; James Norris, as the sheriff and collector of the county of Ashley; Robert Sewel, as the sheriff and collector of the county of Union; and W. A. Alexander, as sheriff and collector of the county of Hempstead, have not, as yet, fully paid into the treasury of the State of Arkansas, the taxes due from said counties to the State of Arkansas for the year 1860, as they were required to do by

law; *And whereas*, this convention is satisfied that said default so made by the said sheriffs and collectors above named, respectively, was not so made with any view of defrauding the state, but was caused by the stringency of the times and the existence of the present war; therefore,

Be it ordained by the people of the State of Arkansas in convention assembled, That the governor of the State of Arkansas is hereby authorized, empowered and instructed to release such of the above named sheriffs and collectors from the penalty now prescribed against them by law for such default, who shall, within sixty days from the adoption of this ordinance, pay into the state treasury the full amount of the taxes due from the said counties of Jefferson, Columbia, Ashley, Union and Hempstead, respectively, for the year 1860, and produce to the governor the legal vouchers of such payments; *Provided*, That neither of the said sheriffs and collectors, who shall fail to pay the full amount of taxes due to the state from the county of which he is sheriff and collector as aforesaid, for the year 1860, into the state treasury within sixty days from the date of the adoption of this ordinance, shall be, nor shall either of his securities be, in any wise, released by this ordinance, or by any authority given under this ordinance, from any penalty which has or may accrue against him on account of such default or otherwise.

Adopted and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE to aid the *Military Board*.

Be it ordained by the people of the State of Arkansas in convention assembled, That the military Board of this state are hereby authorized and they shall have the power to appoint all agents which shall be deemed necessary to carry into execution the powers heretofore conferred upon them, and to compensate such agents for such services as may be rendered.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President of the
State Convention of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE to restore in part the militia law of this State.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the ordinance passed by this convention, entitled "an ordinance to suspend the operation of an act of the General Assembly, entitled 'an act amendatory of the militia laws of Arkansas,' approved the 21st of January, 1861," be, and the same is, hereby repealed.

SEC. 2. *Be it further ordained*, That the act of the General Assembly mentioned in the first section of this ordinance, be, and the same is, hereby declared to be in full force and effect; *Provided*, That nothing in said act of the General Assembly, or this ordinance, shall be so construed as to authorize militia officers or privates to draw any pay from the treasury of this state unless such officers or privates shall have been called into

the actual service of this state by order of the military board, nor shall any money be paid out of the treasury under the act aforesaid except by order of the military board.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*In relation to the chief justice of the supreme court.*

Be it ordained by the people of the State of Arkansas in Convention assembled, That, that portion of the constitution adopted by this convention, providing that the judge of the supreme court, holding under the oldest commission, should be chief justice, shall not be so construed as to change the relations of the present incumbents, during their present terms of office.

Adopted, and passed in and by the convention, on the 1st day of June, A. D. 1861.

DAVID WALKER, *President*
of the State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary of*
the Arkansas State Convention.

AN ORDINANCE—*To authorize the people of the county of Jackson to create a new county out of its present limits.*

SECTION 1. *Be it, and it is hereby ordained by the people of the State of Arkansas in convention assembled, That it shall be lawful for the people of the county of Jackson, in the State of Arkansas, at any time hereafter, when they may see proper to do so, to create a new county out of, and within the present limits of said county, including any other territory that may hereafter be acquired by said county.*

SEC. 2. Before any new county shall be constituted, it shall be determined by a majority of the voters of said county, to be taken under orders of the several county courts of said county.

SEC. 3. If it shall be determined by such vote that a new county may be established, then it shall be lawful for said county, by order of the several county courts therein, to elect five commissioners, who shall have full power and authority to define the boundaries of such new county, which election shall be governed by the same rule and regulations now provided by law for holding the general elections of the state.

SEC. 4. Such new county, when so established, shall be entitled to the same representation in the General Assembly of this state as other counties are now entitled to, according to the ratio of representation now existing, and be subject to any changes that may hereafter be made by the General Assembly.

SEC. 5. After such new county shall be established, as hereinbefore provided, the qualified voters of said new county may elect three commissioners, who shall have full power to locate a permanent county seat, of said new county, and to do all other acts which may be necessary to be done to a complete organization of such new county; *Provided, That said election may be conducted, in all things, according to the law of holding general elections in this state.*

SEC. 6. This ordinance shall be in force from and after its adoption, and all laws by way of ordinance, or otherwise, in conflict herewith, shall be null and void.

Adopted and passed in and by the convention, on the 1st day of June, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*Supplementary to an ordinance entitled "An ordinance to authorize the people of the county of Jackson to create a new county out of its present limits."*

Be it ordained by the people of the State of Arkansas in convention assembled, That the provisions of the ordinance, entitled "An ordinance to authorize the people of the county of Jackson to create a new county out of its present limits," shall apply to the people of the counties of Johnson, Lafayette and Sevier counties.

Adopted and passed in and by the convention, on the 1st day of June, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*In relation to the army and militia of the State of Arkansas.*

Be it ordained by the people of the State of Arkansas in convention assembled, That, that portion of the militia and army of Arkansas, now, or hereafter called into actual service, shall be subject to the rules, regulations and articles of war of the Confederate States, except so far as they are in conflict with the ordinances of this convention.

Adopted and passed in and by the convention on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the State Convention of Arkansas.

AN ORDINANCE—*To provide for filling certain vacancies.*

Be it ordained by the people of Arkansas in convention assembled, That in the event a vacancy should occur, by death, resignation, or otherwise, in the offices of brigadier-general or major-general, created by the ordinances of this convention, it shall be the duty of the military board to fill such vacancy, and this ordinance shall be in force from and after its adoption.

Adopted, and passed in and by the convention, on the 1st day of June, A. D., 1861.

DAVID WALKER, *President of the*
Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*To divide the State of Arkansas into congressional districts.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the State of Arkansas be, and the same is hereby divided into four congressional districts, as follows:

The counties of Benton, Washington, Madison, Carroll, Newton, Crawford, Franklin, Johnson, Pope, Marion, Searcy, Van Buren and Conway, shall constitute the first congressional district.

The counties of Sebastian, Scott, Polk, Sevier, Yell, Montgomery, Pike, Hempstead, Lafayette, Columbia, Ouachita, Clark, Perry and Hot Spring, shall constitute the second congressional district.

The counties of Pulaski, Saline, Dallas, Calhoun, Union, Jefferson, Bradley, Drew, Ashley, Chicot, Desha, Arkansas and Prairie, shall constitute the third congressional district.

The counties of Fulton, Izard, Randolph, Lawrence, Greene, Independence, White, Jackson, Craighead, Poinsett, St. Francis, Crittenden, Mississippi, Monroe and Phillips, shall constitute the fourth congressional district.

An election for a member to the Congress of the Confederate States shall be held in each of said districts, at the time named and specified by said Congress of the Confederate States of America.

Adopted and passed, in and by the convention, on the 1st day of June, 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE—*Authorizing the judges of the county courts throughout the state to receive resignations of members of this convention, and order elections for filling the vacancies occasioned by such resignations.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the several presiding judges of the county courts throughout the state, be, and they are hereby authorized and empowered to receive the resignations of members of this convention, and on receipt of such resignations to order elections to fill the vacancies occasioned by such resignations, and to order elections to fill all vacancies occasioned by death, removal or other cause.

Adopted, and passed in and by the convention, on the 1st day of June, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE—*Supplementary to the ordinance to provide revenue for the state.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the scrip or treasury warrants, provided to be issued in the ordinance to provide revenue for the state, adopted by this convention, shall be issued in sums not less than five dollars, at the election of the holder of the auditor's warrant, provided said auditor's warrant shall be for that or a greater sum, if not, then for the sum specified in said warrant,

and the treasurer shall be entitled to the same pay for issuing and registering the scrip or warrants and bonds provided for by said ordinance, as he is now entitled to receive for issuing swamp land scrip, and a sufficient amount of money is hereby appropriated out of the state treasury to pay said treasurer for such services, and also to purchase the necessary books and stationery to carry into effect the provisions of the revenue ordinance, to be paid upon warrants to be drawn by the auditor.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER, *President of the
Convention of the State of Arkansas.*

Attest:

ELIAS C. BOUDINOT, *Secretary
of the Arkansas State Convention.*

AN ORDINANCE—*Requiring certain officers to pay certain moneys to the state.*

SECTION 1. *Be it ordained by the people of the State of Arkansas, in Convention assembled, That receivers of public moneys of the United States, and all other persons, whatever, post-masters excepted, who shall have any money in their hands which belonged to the government of the United States, up to the sixth day of May, A. D. 1861, shall be compelled, and they are hereby required, within sixty days from the adoption of this ordinance, to pay all such moneys in their custody, keeping, or control, into the state treasury, and should any person who is an officer of the State of Arkansas, fail or refuse to comply with the requirements of this ordinance, he shall forfeit his office, and the same upon such neglect or failure, shall be*

deemed vacant, and the governor shall, after such sixty days, proceed to fill such vacancy.

SEC. 2. *Be it further ordained*, That such persons or officers, postmasters excepted, who shall wilfully refuse to comply with the requirements of this ordinance, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten thousand dollars, and may be imprisoned not exceeding two years.

SEC. 3. *Be it further ordained*, That all such funds shall be applied, as may be provided by existing ordinances, in payment of dues from the late government of the United States to citizens of the State of Arkansas, and of the Indian territory, west of the State of Arkansas.

Adopted and passed in and by the convention on the 1st day of June, A. D. 1861.

DAVID WALKER, *President of the*
State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE ratifying the permanent Constitution of the people of the Confederate States of America.

Be it ordained by the people of the State of Arkansas, in Convention assembled, That the constitution of the people of the Confederate States of America, prepared and tendered by the delegates or deputies of the States of South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana and Texas, in Congress assembled at the capitol of said Confederate States of America, in the city of Montgomery, in the State of Alabama, and by said delegates or deputies in said Congress

adopted on the eleventh day of March, Anno Domini, one thousand, eight hundred and sixty-one, be, and the same is hereby ratified by the people of the State of Arkansas, as the permanent constitution of the people of the said Confederate States of America.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President*
of the Convention of the State of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *for the benefit of Arkansas county.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the present boundaries of the county of Arkansas shall never be reduced below the present limits, unless it shall be by the consent of a majority of the qualified voters of said county, expressed at a regular election.

Adopted, and passed in and by the convention, on the first day of June, A. D. 1861.

DAVID WALKER, *President of the*
State Convention of Arkansas.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

AN ORDINANCE *regulating sales on executions and trusts.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That upon all judgments and decrees rendered, or which may hereafter be rendered upon debts, contracts or liabilities of a civil nature, incurred prior to the sixth of May, 1861, executions may issue as now provided by law; *Provided, however,* That no sales shall be made upon executions or decretal orders already issued upon such judgments or decrees, or upon executions or decretal orders which may hereafter be issued upon such judgments or decrees, until the property levied upon by virtue of such executions or decretal orders shall be valued by three disinterested persons, to be summoned by the sheriff or constable, having the execution or decretal order in charge, which sheriff or constable shall administer the following oath to the persons so summoned, to-wit:

"We—— and ——, do severally solemnly swear that we will truly value and appraise the property shown to us by (sheriff, constable or trustee,) according to its market value on the sixth day of November, 1860, taking into consideration additions for permanent improvements upon real estate, and increased value arising from increased age of stock and slaves, and making deductions for the destruction, injury to, or removal of permanent improvements or real estate, and for deterioration by age or disease to personal property, so help me God." And such appraisers shall make out an appraisement and sign the same, which shall be attached to any returns with the execution or other authority for sale; and after the valuation as aforesaid has been made, no sales of such property shall be made by the officer having charge of the execution or decretal order, unless the same shall be bid off at a sum not less than four-fifths of the valuation affixed by the appraisers aforesaid. If such sum be not offered for such property, it shall be the duty of the officers to restore the property to the person in whose hands it was levied upon, without any bond whatever. This section shall not be so construed as to prevent any defendant

from giving delivery bond, as now provided by law, and all sales made by virtue of any execution issued upon forfeited delivery bonds, in cases provided for in this section, shall be made as provided for on original execution; nor to prevent the sale of perishable property seized on attachment or proceedings *in rem*; *And provided*, That at any time after the expiration of two years from the restoration of peace, any such property so offered for sale and not sold, may be seized and sold under execution of such judgments, absolutely and without reference to any such appraisement; *And provided further*, That when any property of a defendant shall be levied upon and offered for sale under execution or decretal order, according to the provisions of this section and shall not be sold, no further execution on the same judgment or decree shall issue for twelve months, unless at the cost of the plaintiff.

SEC. 2. The provisions of this ordinance shall not apply to debts contracted, or liabilities of a civil nature incurred since the sixth day of May, 1861; but, in such cases, executions may issue and be executed as now provided by law.

SEC. 3. The provisions of this ordinance, so far as applicable, shall apply to sales made by administrators and guardians, and other persons acting in a fiducial capacity.

SEC. 4. The provisions of this ordinance shall apply to sales under mortgages and deeds of trust, executed prior to the sixth day of May, 1861, wherein sales are authorized to be made by individuals in the same manner and to the same extent as though such sales were to be made by execution or decretal order, by operation of law.

SEC. 5. Judgments and decrees of the circuit court, and judgments of probate courts and justices of the peace, docketed in the proper clerk's office, as well those already rendered, as those hereafter to be rendered, shall be liens upon lands and slaves, to the same extent and in the same manner as judgments and decrees are now liens upon real estate.

SEC. 6. In all cases it shall be the duty of the officer having charge of the execution or decretal order, and of persons mak-

ing sales, under mortgages and deeds of trust, to offer property for sale in separate parcels, when the same is practicable, and the same shall be appraised in separate parcels as far as practicable.

SEC. 7. The provisions of this ordinance shall not be construed to affect an ordinance adopted by this convention, entitled "an ordinance for the relief of such citizens of the State of Arkansas as may be engaged in the military service of the State of Arkansas, or of the Confederate States."

SEC. 8. This ordinance shall not be so construed as to prevent the collection of interest due or to become due upon purchases of school lands, known as sixteenth sections, or of interest due, or to become due upon money loaned and belonging to the school funds of the various townships of this state, or of interest on debts due to minors; but the same may be collected in the manner now prescribed by law; and it is further provided that nothing in this ordinance shall be so construed as to prevent the collection of taxes.

SEC. 9. This ordinance shall repeal and render null and void the ordinance passed by this convention on the 20th day of May, entitled "an ordinance concerning sales by sheriffs and constables for the collection of debts."

SEC. 10. The time during which this ordinance is in force, shall not be computed in any case where the statute of limitations comes in question.

SEC. 11. This ordinance shall not apply to any liabilities upon the part of public officers and their securities for them, either to the state, counties or individuals, nor to interest on debts due to the state.

SEC. 12. It shall be the duty of the officer levying an execution, to levy on property as near the amount of the judgment as possible, if the defendant has such property.

SEC. 13. This ordinance may be repealed, amended or modified, by the General Assembly at any regular session thereof;

and this ordinance shall take effect and be in force from and after its adoption.

Adopted and passed in and by the convention, on the first day of June, A. D., 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

AN ORDINANCE *repealing an ordinance passed on the 21st day of March, A. D., 1861.*

Be it ordained by the people of Arkansas in convention assembled, That the ordinance passed by this convention on the 21st day of March, A. D., 1861, entitled "an ordinance to provide for holding an election in the State of Arkansas for the purpose of taking the sense of the people of the state on the question of 'co-operation' or 'secession,'" be, and the same is hereby in all things repealed.

Adopted in and by the convention, May 7th, 1861.

DAVID WALKER, *President*
of the Arkansas State Convention.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention.

CONSTITUTION
OF THE
STATE OF ARKANSAS.

PREAMBLE.

WE, the people of the State of Arkansas, by our delegates in convention assembled, at Little Rock, on Monday, the 4th day of March, A. D. 1861, having the right to change, alter, or amend our constitution, or organic law, in order to secure to ourselves and our posterity, the enjoyment of all the rights of life, liberty and property, and the pursuit of happiness, do mutually agree with each other to continue ourselves as a free and independent state, by the name and style of "The State of Arkansas," and do ordain and establish the following constitution for the future government thereof:

ARTICLE I.

BOUNDARIES OF THE STATE.

We do declare and establish, ratify and confirm the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning in the middle of the main channel of the Mississippi river, on the parallel of thirty-six degrees north latitude, running from thence west with the said parallel of latitude to the St. Francis river; thence up the middle of the main channel of said river, to the parallel of thirty-six degrees

thirty minutes north; from thence west to the south-west corner of the State of Missouri; and from thence to be bounded on the west to the north bank of Red river, as by acts of Congress of the United States and the treaties heretofore defining the western limits of the territory of Arkansas; and to be bounded on the south side of Red river by the boundary line of the State of Texas to the north-west corner of the State of Louisiana; thence east with the Louisiana state line to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said river, to the thirty-sixth degree of north latitude, the point of beginning; these being the boundaries of the State of Arkansas, as defined by the constitution thereof, adopted by a convention of the representatives of the people of said state, on the 30th day of January, Anno Domini, eighteen hundred and thirty-six, being the same boundaries which limited the area of the territory of Arkansas, as it existed prior to that time.

ARTICLE II.

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, *we declare*—

SECTION 1. That all free white men, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

SEC. 2. That all power is inherent in the people; and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of these ends, they have, at all times, an unqualified right to alter, reform or abolish their government in such manner as they may think proper.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend,

erect or support any place of worship, or to maintain any ministry, against his consent; that no human authority can, in any case whatsoever, interfere with the rights of conscience; and that no preference shall ever be given to any religious establishment, or mode or form of worship.

SEC. 4. That the civil rights, privileges or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

SEC. 5. That all elections shall be free and equal.

SEC. 6. That the right of trial by jury shall remain inviolate to free white men and Indians.

SEC. 7. That printing presses shall be free to every person; and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject—being responsible for the abuse of that liberty.

SEC. 8. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is matter for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, papers, valuables and possessions, from unreasonable searches and seizures; and that general warrants, whereby any officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and shall not be granted.

SEC. 10. That no free white man, or Indian, shall be taken or imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

SEC. 11. That in all criminal prosecutions against free white

men and Indians, the accused shall have the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district, in which the crime may be charged to have been committed; and shall not be compelled to give evidence against himself.

SEC. 12. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

SEC. 13. That all penalties shall be reasonable and proportioned to the nature of the offence.

SEC. 14. That no free white man, or Indian, shall be put to answer to any criminal charge, punishable by death or imprisonment in a jail or penitentiary, but by presentment, indictment, or impeachment.

SEC. 15. That no conviction shall work corruption of blood or forfeiture of the estate of the convict.

SEC. 16. That all free white prisoners, Indians included, shall be bailable by sufficient securities, unless in capital offences, where the proof is evident or the presumption is great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion, where the public safety may require it.

SEC. 17. That excessive bail shall in no case be required, nor excessive fines imposed.

SEC. 18. That no *ex post facto* law or law impairing the obligation of contracts shall ever be passed.

SEC. 19. That no perpetuities or monopolies shall ever be allowed or granted; nor shall any hereditary emolument, privileges or honors be conferred or granted in this state.

SEC. 20. That citizens have the right, in a peaceable manner, to assemble for their common good, to instruct their representatives, and to apply to those invested with the power of the government, for redress of grievances or other proper purposes, by address or remonstrance.

SEC. 21. That the free white men, and Indians, of this state have the right to keep and bear arms for their individual or common defence.

SEC. 22. That no soldier shall be quartered, in time of peace, in any house, without the consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 23. The military shall be kept in strict subordination to the civil power.

SEC. 24. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that every thing in this article is excepted out of the general powers of the government, and shall forever remain inviolate, and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

ARTICLE III.

OF DEPARTMENTS.

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

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

QUALIFICATION OF ELECTORS.

SEC. 2. Every free white male citizen of the Confederate States of America, who shall have attained the age of twenty-one years, and shall have been a citizen of the state six months next preceding the election at which he may desire to vote, shall be deemed a qualified elector and be entitled to vote in the county or district where he actually resides, for each and every office made elective under this State or the constitution and laws of the Confederate States of America; *Provided*, That no soldier, seaman or marine in the army or navy of the Confederate States of America shall be entitled to vote at any election within this state.

TIME OF CHOOSING REPRESENTATIVES.

SEC. 3. The House of Representatives shall consist of members to be chosen every two years, by the qualified electors of the several counties, at such time as the General Assembly has prescribed, or may hereafter prescribe.

QUALIFICATION OF A REPRESENTATIVE.

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-five years; who shall not be a free white male citizen of the Confederate States of America; who shall not have been an inhabitant of this state one year next preceding his election; and who shall not, at the time of his election, have an actual residence in the county he may be chosen to represent.

QUALIFICATION OF A SENATOR.

SEC. 5. The Senate shall consist of members, to be chosen every four years by the qualified electors of the several districts, as they are now, or may be hereafter arranged by the General Assembly. The election for senators shall take place at the time now appointed, or which may hereafter be appointed by law.

SEC. 6. No person shall be a senator who shall not have attained the age of thirty years; who shall not be a free white male citizen of the Confederate States of America; who shall not have been an inhabitant of this state one year, next preceding his election, and who, at the time thereof, shall not have an actual residence in the district he may be chosen to represent.

MEETING OF THE GENERAL ASSEMBLY.

SEC. 7. The General Assembly shall meet every two years, on the first Monday in November, or at such time as may hereafter be appointed for that purpose by that body, and at the capitol, in the city of Little Rock, until otherwise directed by law.

MODE AND TIME OF ELECTION, AND PRIVILEGE OF ELECTORS.

SEC. 8. All general elections shall be by ballot, until otherwise directed by law, and shall be held every two years, on the first Monday in October, until altered by law. The first general election to be hereafter held on the first Monday in October, eighteen hundred and sixty-two. The electors, in all cases, except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SEC. 9. The governor shall issue writs of election to fill such vacancies as may occur in either branch of the General Assembly.

SEC. 10. Militia officers, justices of the peace, and postmasters, are declared to be eligible to either branch of the General Assembly; but no person who now is, or who shall hereafter be a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to either branch of the General Assembly, nor to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may be liable; and no person holding any office of trust or profit, under the Confederate

States (except postmasters) shall be eligible to any office of trust or profit belonging to either of the three departments of this state.

SEC. 11. Persons convicted of bribery, perjury or other infamous crime, are excluded from every office of trust or profit, and from the right of suffrage in this state.

SEC. 12. Persons convicted of giving or offering any bribe to procure their own election or appointment, or that of any one else, to any office, are ineligible to any office of profit or trust, and are disqualified from voting at any election in this state.

SEC. 13. No member of the General Assembly shall be elected or appointed to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, whilst he was a member thereof, except he be elected to such office by a vote of the people; and that no member of the General Assembly shall be elected to any office within the gift of the General Assembly during the term for which he shall have been elected.

SEC. 14. Each house of the General Assembly shall appoint its own officers, and shall judge of the qualifications, returns and elections of its own members. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 15. Each house may determine the rule of its proceedings, punish its own members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but no member shall be expelled a second time for the same offence. 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 upon any question shall be entered on the journal, by the request of any five members.

SEC. 16. The door 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 its presence when in session; but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 17. 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 Speaker of the House of Representatives.

SEC. 18. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be taken *viva voce*, and entered on the journal.

SEC. 19. The senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days before the commencement and after the termination of each session; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 20. The members of the General Assembly 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.

SEC. 21. The General Assembly may direct, by law, in what courts, and in what manner, suits may be commenced against the state.

SEC. 22. The General Assembly may prohibit the introduction into this state, of any slave or slaves who may have committed any high crime in any other state or territory. The introduction of slaves into this state for sale, trade, speculation or merchandize, may be prohibited by the General Assembly.

SEC. 23. The General Assembly shall not have power to pass any bill of divorce; but may prescribe by law the manner in

which such cases shall be investigated in the courts of justice, and divorces be granted.

SEC. 24. The General Assembly may, by law, oblige owners of slaves to treat them with humanity, and may prescribe a code of laws defining their rights; regulating their intercourse with each other, and their relations with the free white people of this state; defining crimes which may be committed by slaves; prescribing appropriate punishments for such crimes, and providing courts for the trial of slaves, and the mode of proceeding in such courts.

SEC. 25. The governor, secretary of state, auditor, treasurer, the judges of the supreme court, the judges of the several circuit courts, and other inferior courts of law and equity, and the several prosecuting attorneys for the state, shall be liable to impeachment, for any malpractice or misdemeanor in office; but 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; the party impeached, whether convicted or acquitted, shall nevertheless be liable to be indicted, tried and punished according to law.

SEC. 26. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate, and, when sitting for that purpose, the senators shall be on oath or affirmation, to do justice according to law and evidence. 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 elected; and for reasonable cause, which shall not be sufficient ground for impeachment, the governor shall, on the joint address of two-thirds of each branch of the General Assembly, remove from office the judges of the supreme and other courts; *Provided*, The cause, or causes of removal be spread on the journals, and the party charged be notified of the same, and heard, by himself and counsel, before the vote is finally taken and decided.

SEC. 27. The appointment or election of all officers, not otherwise directed by this constitution, shall be made in such

manner as may be prescribed by law; and all such officers, civil and military, under the authority of this state, shall, before they enter on their duties, take the following oath or affirmation, that is to say, "I ———, do solemnly swear or affirm, that I will support the constitution of the Confederate States of America, and of this state, and will abide and observe all the ordinances passed by the convention of the people of this state, and will demean myself faithfully in office." When the ordinances of this convention expire, every officer of this state shall take an oath to support the constitution of the Confederate States of America, and of the State of Arkansas, and faithfully demean himself in office.

SEC. 28. No county now established by law, shall ever be reduced by the establishment of any new county or counties to less than six hundred and twenty-five square miles, nor to a less population than its ratio of representation in the House of Representatives, according to the ratio as it may exist by law at the time, nor shall any county be hereafter established which shall contain less than six hundred and twenty-five square miles, nor a less population than would entitle such county to a member in the House of Representatives, according to the ratio of representation then established by law.

SEC. 29. The style of the laws of this state shall be—"Be it enacted by the General Assembly of the State of Arkansas."

SEC. 30. The state shall, from time to time, be divided into convenient senatorial districts, formed of contiguous territory, in such manner as the General Assembly shall hereafter provide; and in arranging such districts, the General Assembly shall do so, taking into consideration the free white male inhabitants of this state, so that each senator may represent an equal number, as nearly as may be, of the free white male inhabitants thereof, according to the census enumeration; and until the next enumeration of the census, or inhabitants of this state, the senatorial districts as now laid out by law shall continue.

SECTION 31. The Senate shall never consist of less than twenty-five, nor of more than thirty-five members. The allotment of senators into two classes, as it now exists, shall con-

tinue until otherwise directed, and the successors of those in office shall be elected in the manner and at the time now required by law, and for the term of four years.

SEC. 32. The enumeration of the inhabitants of this state shall be taken under the direction of the General Assembly of this state, at the end of every four years from the time the last enumeration was taken under the constitution and laws of this state, now in force therein.

SEC. 33. The House of Representatives shall consist of not less than seventy-six members, nor of more than one hundred representatives, to be apportioned among the several counties in this state, according to the number of free white male inhabitants therein, taking such ratio as is now provided for by law as the ratio of representation, until the number of representatives increases to one hundred; and when they shall number one hundred, they shall not be further increased until the population of the state numbers one million souls; *Provided*, That each county as now organized shall be entitled to the number of representatives to which it may be entitled under existing laws, until a future apportionment, under a future enumeration of the inhabitants of this state. And at the first session of the General Assembly; after the return of every enumeration, the representation shall be equally divided and re-apportioned among the several counties, according to the number of free white males in each county, as above prescribed; *Provided further*, That the county of Craighead shall be entitled to one representative until the next enumeration and apportionment; *Provided further*, That the said county of Craighead be added to the senatorial district of Randolph and Greene counties until otherwise provided by law.

SEC. 34. The General Assembly may, at any time, propose such amendments to this constitution as two-thirds of each house shall deem expedient, which shall be published in all the newspapers published in this state, three several times, at least twelve months before the next general election; and if, at the first session of the General Assembly after such general election, two-thirds of each house shall, by yeas and nays, ratify

such proposed amendments, they shall be valid to all intents and purposes, as parts of this constitution; *Provided*, That such proposed amendments shall be read on three several days, in each house, as well when the same are proposed, as when they are finally ratified.

SEC. 35. The General Assembly shall have power to regulate the militia system and military organization of the state, subject to the provisions of ordinances heretofore passed by the convention of the State of Arkansas.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Arkansas."

SEC. 2. The governor shall be elected by the qualified electors, at the time and places, when and where they shall respectively vote for representatives at general elections.

SEC. 3. The returns of every election for governor shall be sealed up and transmitted to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes, shall be the governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor by the joint vote of both houses. Contested elections for governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 4. The governor shall hold his office for the term of four years from the time of his installation, and until his successor shall be duly qualified; but he shall not be eligible for more than eight years, in any term of twelve years. He shall be at least thirty years of age, a native born citizen of Arkansas, or a native born citizen of the Confederate States of America, or a resident of the State of Arkansas ten years previous to the adoption of this constitution, if not a native of the Con-

federate States of America; and shall have been a resident of this state at least four years next before his election.

SEC. 5. The governor shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, during that period, any other emolument from the Confederate States of America, or any one of them, or from any foreign power.

SEC. 6. The governor shall be commander-in-chief of the army of this state, and the militia thereof, except when they shall be called into the service of the Confederate States of America; *Provided*, nevertheless, That this provision shall not be taken to conflict with any ordinance or ordinances, which have been or may be passed by the convention of the people of the State of Arkansas.

SEC. 7. The governor may require any information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices.

SEC. 8. The governor may, by proclamation, on extraordinary occasions, convene the General Assembly, at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy or from contagious diseases. In case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting of the General Assembly.

SEC. 9. The governor shall, from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. The governor shall take care that the laws are faithfully executed.

SEC. 11. In all criminal and penal cases, except in those of treason and impeachment, the governor shall have power to grant pardons, after conviction, and remit fines and forfeitures, under such rules and regulations as may have been, or shall be prescribed by law. In case of treason, he shall have power,

by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the senate, respite the sentence until otherwise directed by the General Assembly.

SEC. 12. There shall be a seal of state provided, which shall be kept by the governor, and used by him officially, and the present seal of state now in use, shall be the seal of state until otherwise directed by the General Assembly.

SEC. 13. All commissions shall be in the name, and by the authority of the State of Arkansas, be sealed with the seal of the state, signed by the governor, (except when otherwise directed by ordinance of the convention,) and attested by the secretary of state.

SEC. 14. There shall be a secretary of state, elected by a joint vote of both houses of the General Assembly, who shall continue in office during the term of four years, and until his successor in office be duly qualified. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly, and shall perform such other duties as may be required by law.

SEC. 15. Vacancies that may happen in offices, the election to which is vested in the General Assembly, shall be filled by the governor during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

SEC. 16. Every bill, which shall have passed both houses of the General Assembly, shall be presented to the governor. If he approve it, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it originated, which shall enter his objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections of the governor, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole num-

ber elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the 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 three 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 General Assembly, by their adjournment, prevent its return, in which event it shall not be a law.

SEC. 17. Every order or resolution, to which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations in the case of a bill.

SEC. 18. In case of the impeachment of the governor, his removal from office, his death, his refusal to qualify, his resignation, or his absence from the state, the president of the Senate shall exercise all the authority appertaining to the office of governor, until another governor shall have been elected and qualified, or until the governor, absent or impeached, shall return or be acquitted.

SEC. 19. If, during the vacancy of the office of governor, the president of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the House of Representatives shall, in like manner, administer the government.

SEC. 20. The president of the Senate, and speaker of the House of Representatives, during the time they respectively administer the government, shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 21. Whenever the office of governor shall have become vacant, by death, resignation, removal from office, or otherwise; *Provided*, Such vacancy shall not happen within eighteen months of the time for which the late governor shall have been elected, the president of the Senate, or speaker of the House of

Representatives, as the case may be, exercising the powers of the governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days previous notice thereof, which election shall be governed by the same rules prescribed for general elections of governor, as far as applicable; the returns shall be made to the secretary of state, who, in the presence of the acting governor, and judges of the supreme court, or one of them, at least, shall compare them, and together with the said acting governor and judges, declare who is elected; and if there be a contested election, it shall be decided by the judges of the supreme court in the manner prescribed by law.

SEC. 22. The governor shall always reside at the seat of government.

SEC. 23. No person shall hold the office of governor, and any other office or commission, civil or military, either in this state or under any state or the Confederate States of America, or any other power, at one and the same time.

SEC. 24. There shall be elected, by the joint vote of both houses of the General Assembly, until otherwise provided by law, an auditor and treasurer for this state, who shall hold their offices for the term of two years, and until their respective successors are elected and qualified, unless sooner removed; they shall keep their respective offices at the seat of government, and perform such duties as shall be prescribed by law, and in case of vacancy by death, resignation or otherwise, such vacancy shall be filled by the governor, as in other cases, so long as said officers remain elective by the General Assembly.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in circuit courts, in county courts, in probate courts, in corporation courts, and in justices of the peace. The

General Assembly may, when they deem it expedient, establish separate courts of chancery.

SEC. 2. The supreme court shall be composed of three judges, the one of whom holding his seat under the oldest commission for the time being, shall be chief justice; any two of whom shall constitute a quorum, and the concurrence of any two of said judges shall, in every case, be necessary to a decision. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state, under such restrictions and regulations as may, from time to time, be prescribed by law. It shall have a general superintending control over all inferior and other courts of law and equity; it shall have power to issue writs of error and supersedeas, certiorari and habeas corpus, mandamus and quo warranto and other remedial writs, in aid of its appellate jurisdiction, and to hear and determine the same. Said judges shall be conservators of the peace throughout the state, and shall severally have power to issue any of the aforesaid writs.

SEC. 3. The circuit court shall have original jurisdiction over all criminal cases, which shall not be otherwise provided for by law; and exclusive original jurisdiction of all crimes amounting to felony, until otherwise provided by the General Assembly; and original jurisdiction of all civil cases which shall not be cognizable before other inferior courts, or justices of the peace, until otherwise directed by law; and original jurisdiction in all matters of contracts, where the sum in controversy is over one hundred dollars. It shall hold its terms at such place, in each county, as may be, by law, prescribed.

SEC. 4. The state shall be divided into convenient circuits, to consist of counties contiguous to each other, for each of which a judge shall be elected, who, during his continuance in office, shall reside, and be a conservator of the peace, within the circuit for which he shall have been elected. If from any cause, at the time of holding a circuit court in any county in this state, there shall be no regular judge present, the attorneys present may select from among themselves, one of their number;

to act as judge with all the power and authority of a regular judge, and in case the judge, regular or special, shall be interested in any case, or cases, or otherwise incompetent, the attorneys present may select a judge to try such cases, who shall take the oath prescribed by law previous to entering upon the discharge of his duties.

SEC. 5. The circuit courts shall exercise a superintending control over all inferior courts, and shall have power to issue all the necessary writs to carry into effect their general and specific powers.

SEC. 6. Until the General Assembly shall deem it expedient to establish courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to revision or review, in such manner as the General Assembly may have, or shall hereafter prescribe. The special chancery court, heretofore created, or established, for the county of Pulaski, is hereby confirmed in the jurisdiction conferred upon said court until otherwise provided by law.

SEC. 7. The judges of the supreme court shall be appointed by the governor, by and with the advice and consent of the Senate. The judges of the supreme court shall be at least thirty years of age; they shall hold their offices during the term of eight years from the date of their commissions, and until their successors are appointed and qualified; the first appointment to take place at the session of the General Assembly next before the expiration of the term for which the judges of the supreme court now in office expire, respectively. And in case of vacancy on the supreme bench, the same shall be filled by executive appointment to continue until the end of the next session of the General Assembly.

SEC. 8. The qualified voters of each judicial circuit in the State of Arkansas, shall elect their circuit judges. The judges of the circuit courts shall be at least twenty-five years of age, and shall be elected for the term of four years, from and after the dates of their commissions, and until their successors are elected and qualified—and all elections of circuit judges shall be held as is, or may be provided by law.

SEC. 9. The supreme court shall appoint its own clerk, or clerks, for the term of four years; and the qualified voters of each county, shall elect a clerk of the circuit court for their respective counties, who shall hold his office for the term of two years, and until his successor is elected and qualified—the first election of circuit clerks, under this constitution, to be held at the general election next before the expiration of the commissions of the present incumbents. Courts of chancery, when established, shall appoint their own clerks.

SEC. 10. The judges of the supreme and circuit courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be diminished during the time for which they are, or shall be appointed or elected. They shall not be allowed any fee or perquisites of office, nor hold any other office of trust or profit, under this state, or the Confederate States of America. The state's attorneys, and clerks of the supreme and circuit courts, and courts of chancery, if any other be established, shall receive for their services such salaries, fees and perquisites of office, as shall be, from time to time, fixed by law.

SEC. 11. There shall be established, in each county in the state, a court, to be holden by the justices of the peace, and called the county court, which shall have jurisdiction in all matters relating to county taxes, disbursements of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties.

SEC. 12. There shall be elected, by the qualified voters of the respective counties, a presiding judge of the county court, to be commissioned by the governor, and hold his office for the term of two years, and until his successor is elected and qualified. The first election under this section shall take place at the general election next before the commissions of the present incumbents expire. The presiding judge of the county court, in addition to the duties that may be required of him by law, as such presiding judge, shall be a judge of the court of probate, and have such jurisdiction in matters relative to the

estates of deceased persons, executors, administrators and guardians, lunatics and insane persons, as may be prescribed by law, until otherwise directed by the General Assembly.

SEC. 13. No judge shall preside on the trial of any cause, in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the supreme court shall be thus disqualified from presiding on any cause or causes, the court, or judges thereof, shall certify the same to the governor of the state, and he shall immediately commission specially, the requisite number of men, of law knowledge, for the trial and determination thereof. Judges shall not charge juries with regard to matter of fact; but may state the testimony and declare the law.

SEC. 14. The qualified voters of each judicial circuit shall elect a prosecuting attorney for the state, who shall continue in office for two years, and until his successor is elected and qualified. The first election under this constitution shall take place as is now, or may be provided by law. Such attorney shall reside in the circuit for which he is elected. If any attorney for the state shall fail to attend and prosecute according to law, the court shall have power to appoint one *pro tempore*. The attorney for the circuit in which the supreme court is held, shall attend the court and prosecute for the state.

SEC. 15. All writs and other process shall run in the name of "The State of Arkansas," and bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude, "against the peace and dignity of the State of Arkansas."

SEC. 16. The qualified voters residing in each township, shall elect the justices of the peace for their respective townships. For every one hundred voters there may be elected one justice of the peace; *Provided*, That each township, however small, shall have two justices of the peace; justices of the peace shall be elected for the term of two years, and shall be

commissioned by the governor and reside in the township for which they were elected, during their continuance in office. The first election for justices of the peace under this constitution, shall take place at the next general election, and those in office at this time shall continue in office until their successors are elected and qualified; justices of the peace shall have, individually, or two or more of them, jointly, original jurisdiction in cases of bastardy, and in all matters of contract, and in actions for the recovery of fines and forfeitures, where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto*, where the damages do not exceed one hundred dollars, and prosecutions for assault and battery, and other penal offences less than felony, which may be punishable by fine only. Every action cognizable before a justice of the peace, instituted by summons or warrant, shall be brought before some justice of the peace of the township wherein the defendant resides, or is found; or if there be one or more defendants in different townships, then in the township where one of them resides, or is found. They may also sit as examining courts, and commit, discharge, or recognize any person charged with any crime, of any grade. For the foregoing purposes they shall have power to issue all necessary process. They shall also have power to bind to keep the peace or for good behavior.

SEC. 17. The qualified voters of each township shall elect one constable, for the term of two years, who shall, during his continuance in office, reside in the township for which he was elected. The constables now in office shall continue until their terms expire, and the first election under this constitution shall be held at the next general election: Incorporated towns and cities may have their own or separate constables.

SEC. 18. The qualified voters of each county shall elect one sheriff, one coroner, one treasurer, and one county surveyor, for the term of two years, at the election next before the term of those now in office expire. They shall be commissioned by the governor, reside in their respective counties during their continuance in office, and be disqualified for the office a second

time, if it should appear that they, or either of them are in default for any moneys collected by virtue of their respective offices.

ARTICLE VII.

GENERAL PROVISIONS—EDUCATION.

SECTION 1. The General Assembly shall apply any and all funds which may be raised for the purpose of education, to the accomplishment of the object for which they may be raised; and from time to time, pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, commerce, manufactures, and natural history; and countenance and encourage the principles of humanity, industry and morality.

SEC. 2. Treason against the state shall consist only in levying war against it, or 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 their own confession in open court.

SEC. 3. The General Assembly shall have no power to pass laws for the emancipation of slaves.

SEC. 4. No person who denies the being of a God, shall hold any office in this state, nor be allowed his oath in any court.

SEC. 5. No money shall be drawn from the treasury, but in consequence of an appropriation by law, nor shall any appropriation of money, for the support of an army, be made for a longer term than two years; and a regular statement and account of the receipts and expenditures of all public money shall be published with the promulgation of the laws.

SEC. 6. Absence on business for this state, or for the Confederate States of America, or on a visit, or on necessary private business, shall not cause a forfeiture of a residence once obtained.

SEC. 7. No lottery shall ever be authorized by this state, nor shall the sale of lottery tickets be allowed.

SEC. 8. Returns of all elections for officers, who are to be commissioned by the governor, and for members of the General Assembly, shall be made to the secretary of state.

SEC. 9. Within ten years from the session of the General Assembly, begun and held on the first Monday in November, eighteen hundred and fifty-six, and every ten years thereafter, the laws, civil and criminal, of this state, shall be revised or codified, digested, and arranged, and promulgated in such manner as provided by law.

SEC. 10. In the event of the annexation of any territory to this state, by cession from the Confederate States of America, or from any other source, laws may be passed extending to the inhabitants of such territory, all the rights and privileges which may be required by the terms of such cession, anything in this constitution to the contrary notwithstanding.

SEC. 11. Imprisonment for debt shall not be allowed, in this state, except when an allegation of fraud on the part of the debtor shall be clearly proved.

SEC. 12. The General Assembly of this state shall not distribute the public lands, late the property of the United States, nor the proceeds of the same among the counties, but the same shall be applied to general purposes.

REVENUE.

SEC. 1. All revenue shall be raised by taxation, to be fixed by law.

SEC. 2. All property, *subject to taxation*, shall be taxed according to its true value—that value to be ascertained in such manner as the General Assembly shall direct; making the same equal and uniform throughout the state. No one species of property, from which a tax may be collected, shall be taxed higher than another species of property of equal value; *Provided*, The General Assembly shall have power to tax merchants, hawkers, peddlers, and privileges, in such manner as may, from time to time, be prescribed by law; *And provided further*, That no other or greater amount of revenue shall, at any time, be levied than required for the necessary expenses

of the government, unless by a concurrence of two-thirds of both houses of the General Assembly; *And provided further*, That the legislature may authorize the county courts in this state to levy and collect a specific tax, for the purpose of building levees to protect their respective counties from overflow.

SEC. 3. No poll tax shall be assessed for other than corporation or county purposes.

SEC. 4. No other or greater tax shall be levied on the productions or labor of the country than may be required for expenses of inspection.

SCHEDULE.

SEC. 1. That no inconvenience may arise from this change of government, we declare that all writs, actions, prosecutions, judgments, claims and contracts, of individuals and bodies corporate, shall continue, as if no change had taken place in the constitution or government of this state; and all process which may have been issued under the authority of this state, previous to this time, shall be as valid as if issued after the adoption of this constitution.

SEC. 2. All laws now in force in this state, which are not repugnant to this constitution or the ordinances of the convention, shall remain in force until they expire by their own limitations, or be altered or repealed by the General Assembly.

SEC. 3. In case any ordinance which may have been passed by this convention conflicts in any respect with this constitution, and the ordinance so conflicting herewith provides that it shall only have effect or force, for a limited time; such ordinance shall have effect rather than this constitution.

SEC. 4. All officers, civil and military, now holding commissions under the authority of this state, shall continue to hold and exercise their respective offices until they shall be suspended under the authority of this state, in pursuance of the provisions of this constitution, or the ordinances passed by this convention.

SEC. 5. The next general election for officers of this state, under this constitution, not otherwise herein provided for, shall

be held on the 1st Monday in October, A. D. 1862, in the manner now prescribed by law.

Sec. 6. The jurisdiction of corporation courts shall be confined to their respective corporate limits.

DAVID WALKER, *President*

of the Convention of the State of Arkansas.

ALEX. ADAMS,

TOMAS B. HANLY,

L. D. HILL,

ALEXANDER M. CLINGMAN,

ISAIAH C. WALLACE,

GEORGE P. SMOOTE,

J. H. PATTERSON, of Jackson,

J. H. HILLIARD,

WM. M. MAYO,

JAMES L. TOTTEN,

S. W. COCHIRAN,

THOS. F. AUSTIN,

JOHN CAMPBELL,

JAMES W. CRENSHAW,

JAMES S. DOLLARHIDE,

FELIX I. BATSON,

FELIX R. LANIER,

MARCUS L. HAWKINS,

W. F. SLEMONS,

J. P. JOHNSON,

JABEZ M. SMITH,

J. A. RHODES,

WM. W. FLOYD,

J. N. SHELTON,

W. P. GRACE,

J. GOULD,

H. H. BOLINGER,

BENJ. F. HAWKINS,

H. FLANAGIN,

M. SHELBY KENNARD,

W. H. SPIVEY,
MILTON D. BABER,
J. W. BUSH,
URBAN E. FORT,
ALFRED H. CARRIGAN,
W. M. FISHBACK,
JOSEPH STILLWELL,
GEO. C. WATKINS,
JAMES H. STIRMAN,
JAMES HENRY PATTERSON,
S. J. STALLINGS,
WILLIAM STOUT,
ARCHIBALD RAY,
ISAIAH DODSON,
A. W. HOBSON,
J. N. CYPERT,
WM. V. TATUM,
WILEY P. CRYER,
BURR H. HOBBS,
JESSE TURNER,
F. W. DESHA,
A. W. DINSMORE,
BENJAMIN C. TOTTEN,
SAMUEL KELLY,
E. T. WALKER,
SAMUEL ROBINSON,
JOHN P. A. PARKS,
JAMES YELL,
H. BUSSEY,
JOSEPH JESTER.

THE foregoing CONSTITUTION was adopted, in and by the State Convention of Arkansas, in open session, on the first day of June, A. D. 1861, and this sheet was signed, on that day, by the several delegates whose names appear above.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Convention of the State of Arkansas.

LITTLE ROCK, ARKANSAS, }
June 11th, 1861. }

I have compared the foregoing printed ordinances, resolutions and constitution of the State of Arkansas, with the original rolls, and do certify that they are a true copy thereof.

ELIAS C. BOUDINOT, *Secretary*
of the Convention of the people
of the State of Arkansas.

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