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## 1817 CONSTITUTION OF THE STATE OF MISSISSIPPI

### Preamble

We, the Representatives of the people inhabiting the western part of the Mississippi Territory, contained within the following limits, to wit: Beginning on the River Mississippi at the point where the southern boundary line of the State of Tennessee strikes the same; thence east along the said boundary line to the Tennessee River; thence up the same to the mouth of Bear Creek; thence, by a direct line, to the northwest corner of the county of Washington; thence due south to the Gulf of Mexico; thence westwardly, including all islands within six leagues of the shore, to the most eastern junction of Pearl River with Lake Borgne; thence up the said river to the thirty-first degree of north latitude; thence west along the said degree of latitude to the Mississippi River, thence up the same to the beginning; assembled in Convention at the town of Washington, on Monday, the seventh day of July, one thousand eight hundred and seventeen, in pursuance of an Act of Congress entitled; An Act to enable the people of the western part of the Mississippi Territory to form a Constitution and State government; and for the admission of such State into the Union on an equal footing with the original States, in order to secure to the citizens thereof the rights of life, liberty and property, do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the State of Mississippi.

### Article I

#### Declaration of Rights

That the general, great and essential principles of liberty and free government may be recognized and established, We Declare:

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

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

Section 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State; provided, that the right hereby declared and established shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this State.

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

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

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

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

Section 8. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts under the direction of the court.

 

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

Section 10. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel; to demand the nature and cause of the accusation, to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and, in all prosecutions by indictment or information, a speedy public trial, by an impartial jury of the county; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, but by due course of law.

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

Section 12. That no person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia, when in actual service, or by leave of the court, for misdemeanor in office.

Section 13. No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall any persons property be taken or applied to public use, without the consent of his representatives, and without just compensation being made therefor.

Section 14. That all courts shall be open, and every person for any injury done him in his lands, goods, person or reputation, shall have remedy by due course of law; and right and justice administered without sale, denial or delay.

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

Section 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

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

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

Section 19. That no ex post facto law, nor law impairing the obligation of a contract, shall be made.

Section 20. That no person shall be attainted of treason, or felony, by the Legislature.

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

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

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

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

Section 25. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

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

Section 27. No citizen of this State shall be exiled, or prevented from emigrating, on any pretence whatever.

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

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

## Conclusion

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

## Article II

### Distribution of Powers

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

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

## Article III

### Legislative Department

Section 1. Every free, white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the county, city, or town, in which he offers to vote, and shall be enrolled in the militia thereof, except exempted by law from military service; or, having the aforesaid qualifications of citizenship and residence, shall have paid a State or county tax, shall be deemed a qualified elector: no elector shall be entitled to vote, except in the county, city or town (entitled to separate representation) in which he may reside at the time of the election.

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

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

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

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

Section 6. The representatives shall be chosen every year, on the first Monday and the day following in August.

Section 7. No person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of

the county, city or town for which he shall be chosen, and shall have attained to the age of twenty-two years; and also, unless he shall hold, in his own right, within this State, one hundred and fifty acres of land, or an interest in real estate of the value of five hundred dollars, at the time of his election, and for six months previous thereto.

Section 8. Elections for representatives for the several counties shall be held at the places of holding their respective courts, or in the several election districts into which the Legislature may divide any county; provided, that when it shall appear to the Legislature that any city or town hath a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall contain a number of free white inhabitants equal to the existing ratio; and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to such representation is situated shall not be held in such city or town; and provided, that if the residuum or fraction of any city or town entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city or town having the largest residuum shall be entitled to such representation; and provided also, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case, one representative shall be added to the county having the largest residuum.

Section 9. The General Assembly shall, at their first meeting, and in the year one thousand eight hundred and twenty, and in not less than every three nor more than five years thereafter, cause an enumeration to be made of all the free white inhabitants of the State; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities or towns entitled to separate representation according to the number of free white inhabitants in each; and shall not be less than twenty-four, nor greater than thirty-six, until the number of free white inhabitants shall be eighty thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six nor more than one hundred; provided, however, that each county shall always be entitled to at least one representative.

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

Section 11. The senators shall be chosen by the qualified electors for three years; and, on their being convened in consequence of the first election, they shall be divided by lot from their respective districts, into three classes, as nearly equal as can be. The seats of the senators of the first class shall be vacated at the expiration of the first year; and of the second class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one-third thereof may be annually chosen thereafter.

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

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

Section 14. No person shall be a senator unless he be a citizen of the United States, and shall have been an inhabitant of this State four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained to the age of twenty-six years; and also, unless he shall hold, in his own right, within this State, three hundred acres of land, or an interest in real estate of the value of one thousand dollars, at the time of his election, and for six months previous thereto.

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

Section 16. Each house may determine the rules of its own proceedings, punish members for disorderly behaviour, and, with the consent of two-thirds, expel a member, but not a second time, for the same cause, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

Section 17. Each house shall keep a Journal of its proceedings, and publish the same, excepting such parts as in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journals.

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

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

Section 20. Each house may punish by imprisonment, during the session, any person, not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not at any time exceed forty-eight hours.

Section 21. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

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

Section 23. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until, on three several days, it be read in each house, and free discussion be allowed thereon, unless in cases of urgency, four-fifths of the house in which the bill shall be depending, may deem it expedient to dispense with the rules; and every bill having passed both houses shall be signed by the speaker and president of their respective houses.

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

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

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

Section 27. No judge of any court of law or equity, Secretary of State, Attorney General, clerk of any court of record, sheriff, or collector, or any person holding a lucrative office under the United States, (the office of postmaster excepted), or this State, shall be eligible to the General Assembly; provided, that officers in the militia, to which there is attached no annual salary, or the office of justice of the peace, or of the quorum, shall not be deemed lucrative.

Section 28. No person who shall have heretofore been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the General Assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

Section 29. The first election for senators and representatives shall be general throughout the State, and shall be held on the first Monday and Tuesday in September next, and thereafter there shall be an annual

election for senators to fill the place of those whose term of service may have expired.

Section 30. The first session of the General Assembly shall commence on the first Monday in October next, and be held at the city of Natchez, and thereafter at such place as may be designated by law; and thereafter the General Assembly shall meet on the next Monday in November in every year, and at no other period, unless directed by law, or provided for by this Constitution.

#### Article IV

##### Executive Department

Section 1. The supreme executive power of this State shall be vested in a Governor, who shall be elected by the qualified electors, and shall hold office for two years from the time of his installation, and until his successor be duly qualified.

Section 2. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly, during the first week of which session the said Speaker shall open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint ballot 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.

Section 3. The Governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, and shall be seized, in his own right, of a freehold estate of six hundred acres of land, or of real estate of the value of \$2,000.00, at the time of his election and twelve months previous thereto.

Section 4. He 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.

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

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

Section 7. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, in that shall have become, since their last adjournment, dangerous from an enemy or from contagious disorders, and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the General Assembly.

Section 8. He shall, from time to time, give to the General Assembly information of the state of government, and recommend to their consideration such measures as he shall deem expedient.

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

Section 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power to grant reprieves and pardons, by and with the advice and consent of the Senate, but may respite the sentence until the end of the next session of the General Assembly.

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

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

Section 13. When a vacancy shall happen in any office during the recess of the General Assembly, the Governor shall have power to fill the same, by granting a commission, which shall expire at the end of the next session of the General Assembly, except in cases otherwise directed by this Constitution.

Section 14. A Secretary of State shall be appointed, who shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly, and shall perform such other duties as may be required of by law.

Section 15. Every bill which shall have passed both houses of the General Assembly shall be presented to the Governor; if he approve he shall sign it, but if not he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals and proceed to reconsider it; if, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be, likewise, reconsidered; if approved by two-thirds of that house it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

Section 16. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in case of a bill.

Section 17. The appointment of all officers, not otherwise directed by this Constitution, shall be by the joint vote of both houses of the General Assembly; the votes shall be given *vive voce*, and recorded in the public Journal of each house; provided, that the General Assembly be authorized to provide by law for the appointment of all inspectors, collectors and their deputies, surveyors of highways, constables, and such other inferior officers, whose jurisdiction may be confined within the limits of the county.

Section 18. There shall be also a Lieutenant-Governor, who shall be chosen at every election for a Governor, by the same persons, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor, and Lieutenant-Governor, the electors shall distinguish whom they vote for as Governor and whom as Lieutenant-Governor.

Section 19. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided, to give the casting vote.

Section 20. In case of the death, resignation, refusal to serve, or removal from office of the Governor, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next periodical election for a Governor, and be duly qualified, or until the Governor impeached or absent shall be acquitted or return.

Section 21. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President Pro Tempore. And, if during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office; or if he shall be impeached or absent from the State, the President of the Senate Pro Tempore shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and no more; and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received, had he been employed in the duties of his office, and no more.

Section 22. The President Pro Tempore of the Senate shall, during the time he administers the government, receive, in like manner, the same compensation which the Governor would have received, had

he been employed in the duties of his office, and no more.

Section 23. If the Lieutenant-Governor shall be required to administer the government, and whilst in such administration, die, resign, or be absent from the State, during the recess of the General Assembly, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President Pro Tempore.

Section 24. A sheriff, and one or more coroners, shall be elected in each county by the qualified electors thereof, who shall hold their offices for two years unless sooner removed.

Section 25. A State Treasurer and an Auditor of Public Accounts shall be annually appointed.

## Militia

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

Section 2. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor.

Section 3. Those persons who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay equivalent for personal service.

Section 4. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

## Article V

### Judicial Department

Section 1. The judicial power of this State shall be vested in one supreme court, and such superior and inferior courts of law and equity as the Legislature may, from time to time, direct and establish.

Section 2. There shall be appointed in this State not less than four nor more than eight judges of the supreme and superior courts, who shall receive for their services a compensation which shall be fixed by law, and shall not be diminished during their continuance in office; provided, that the judge whose decision is under consideration in the supreme court shall not constitute one of the court to determine the question on such decision; but it shall be the duty of such judge to report to the supreme court the reasons upon which his opinion was founded.

Section 3. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than six counties. For each district there shall be appointed a judge, who shall, after his appointment, reside in the district for which he is appointed.

Section 4. The superior court shall have original jurisdiction in all matters, civil and criminal, within this State, but in civil cases, only where the matter or sum in controversy exceeds fifty dollars.

Section 5. A superior court shall be held in each county in the State at least twice in every year. The judges of the several superior courts may hold courts for each other, when they may deem it expedient, or as they may be directed by law.

Section 6. The Legislature shall have power to establish a court or courts of chancery, with exclusive original equity jurisdiction; and until the establishment of such court or courts, the said jurisdiction shall be vested in the superior courts respectively.

Section 7. The Legislature shall have power to establish in each county, within this State, a court of probate, for the granting of letters testamentary, and of administration, or orphans business, for county police, and for the trial of slaves.

Section 8. A competent number of justices of the peace shall be appointed in and for each county, in such mode, and for such term of office, as the Legislature shall direct. Their jurisdiction, in civil cases, shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases tried by a justice of the peace, right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

Section 9. The judges of the several courts of this State shall hold their offices during good behaviour. And for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for an impeachment, the Governor shall remove any of them on the address of two-thirds of each house of the General Assembly; provided, however, that the cause or causes for which such removal shall be required shall be stated at length in such address, and on the journals of each house; and, provided, further, that the judge so intended to be removed shall be notified, and admitted to a hearing in his own defence, before any vote for such address shall pass.

Section 10. No person who shall have arrived at the age of sixty-five years shall be appointed to, or continue in, the office of judge in this State.

Section 11. Each court shall appoint its own clerk, who shall hold his office during good behaviour, but shall be removable therefrom for neglect of duty, or misdemeanor in office, by the supreme court, which court shall determine both the law and the fact; provided, that the clerk so appointed shall have been a resident of the county in which he is clerk at least six months previous to his appointment.

Section 12. The judges of the supreme and superior courts shall, by virtue of their offices, be conservators of the peace throughout the State.

Section 13. The style of all process shall be The State of Mississippi, and all prosecution shall be carried on in the name and by the authority of the State of Mississippi, and shall conclude against the peace and dignity of the same.

Section 14. There shall be an Attorney General for the State, and as many district attorneys as the General Assembly may deem necessary, who shall hold their offices for the term of four years, and shall receive for their services a compensation which shall not be diminished during their continuance in office.

## Impeachments

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

Section 2. All impeachments shall be tried by the Senate; when sitting for that purpose the senators shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

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

## Article VI

### General Provisions

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

Section 2. The General Assembly shall have power to pass such penal laws to suppress the evil practice of dueling, extending to disqualification from office or the tenure thereof, as they may deem expedient.

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

Section 4. Every person shall be disqualified from holding an office or place of honour or profit, under the authority of this State, who shall be convicted of having given, or offered, any bribe to procure his election.

Section 5. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privileges of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper conduct.

Section 6. No person who denies the being of God, or of a future state of rewards and punishments, shall hold any office in the civil department of this State.

Section 7. Ministers of the Gospel being by their profession, dedicated to God, and the care of souls, ought not to be diverted from the great duties of their functions. Therefore, no minister of the Gospel, or priest of any denomination whatever, shall be eligible to the office of Governor, Lieutenant-Governor, or to a seat in either branch of the General Assembly.

Section 8. No money shall be drawn from the treasury, but in consequence of an appropriation made by law, nor shall any appropriation of money for the support of an army be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

Section 9. No bank shall be incorporated by the Legislature without the reservation of a right to subscribe for, in behalf of the State, at least, one-fourth part of the capital stock thereof, and the appointment of a proportion of the directors equal to the stock subscribed for.

Section 10. The General Assembly shall pass no law impairing the obligation of contracts, prior to the year one thousand eight hundred and twenty-one, on account of the rate of interest, fairly agreed on in writing between the contracting parties, for a bona fide loan of money; but they shall have power to regulate the rate of interest where no special contract exists in relation thereto.

Section 11. The General Assembly shall direct by law in what manner and in what courts suits may be brought against the State.

Section 12. All officers of the State, the term of whose appointment is not otherwise directed by this Constitution, shall hold their offices during good behaviour.

Section 13. Absence on business of this State or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

Section 14. It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

Section 15. No member of Congress, nor any person holding any office of profit or trust under the United States, or either of them, the office of postmaster excepted, or under any foreign power, shall hold or exercise any office of trust under this State.

Section 16. Religion, morality and knowledge being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this State.

Section 17. Divorces from the bonds of matrimony, shall not be granted but in cases provided for by law, by suit in Chancery; provided that no decree for divorce shall have effect until the same shall be sanctioned by two-thirds of both branches of the General Assembly.

Section 18. Returns of all elections by the people shall be made to the secretary of state.

Section 19. No new county shall be established by the General Assembly which shall reduce the county or counties, or either of them, from which it may be taken to a less content than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

Section 20. That the General Assembly shall take measures to preserve from unnecessary waste or damage such lands as are or may hereafter be granted by the United States for the use of schools, within each township in this State, and apply the funds which may be raised from such lands, by rent or lease, in strict conformity to the object of such grant, but no lands granted for the use of such township schools shall ever be sold by any authority in this State.

#### Slaves

Section 1. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, unless where a slave shall have rendered to the State some distinguished service, in which case the owner shall be paid a full equivalent for the slaves so emancipated. They shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State; provided, that such person or slave be the bona fide property of such immigrants; and provided, also, that laws may be passed to prohibit the introduction into the State of slaves who may have committed high crimes in other States. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to prevent slaves from being brought into this State as merchandise; and also to oblige the owners of slaves to treat them with humanity, to provide them necessary clothing and provision, to abstain from all injuries to them extending to life or limb, or in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Section 2. In the prosecution of slaves for crime, no inquest by a grand jury shall be necessary, but the proceedings in such cases shall be regulated by law, except that, in capital cases, the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

#### Mode of Revising the Constitution

Section 1. That whenever two-thirds of the General Assembly shall deem it necessary to amend or change this Constitution, they shall recommend to the electors, at the next election for members of the General Assembly, to vote for or against a Convention, and if it shall appear that a majority of the citizens of the State voting for representatives, have voted for a Convention, the General Assembly shall, at their next session, call a Convention, to consist of as many members as there may be in the General Assembly, to be chosen by the qualified electors, in the manner, and at the times and places of choosing members of the General Assembly, which Constitution shall meet within three months after the said election, for the purpose of revising, amending, or changing the Constitution.

#### Schedule

Section 1. That no inconvenience may arise from a change of territorial to a permanent State government, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals, as of bodies corporate, shall continue as if no such change had taken place.

Section 2. All fines, penalties, forfeitures and escheats, accruing to the Mississippi Territory, within the limits of this State, shall inure to the use of the State.

Section 3. The validity of all bonds and recognizances executed to the Governor of the Mississippi Territory shall not be impaired by the change of government, but may be sued for, and recovered in the name of the Governor of the State of Mississippi, and his successors in office; and all criminal or penal actions arising or now depending within the limits of this State, shall be prosecuted to judgment and execution in the name of the said State. All causes of action arising to individuals, and all suits at law or in equity, now depending in the several courts within the limits of this State, and not already barred by law, may be commenced in, or

transferred to, such court as may have jurisdiction thereof. Bonds, recognizances, and other papers and writings, properly belonging in the eastern section of the Mississippi Territory, not comprised within the limits of this State, shall be transferred to the offices to which they severally belong.

Section 4. All officers, civil and military, now holding commissions under the authority of the United States, of the Mississippi Territory, within this State, shall continue to hold and exercise their respective offices, under the authority of this State, until they shall be superseded under the authority of this Constitution; and shall receive from the treasury of this State the same compensation which they heretofore received for their services, in proportion to the time they shall be so employed. The Governor shall have power to fill vacancies by commissions, to expire so soon as elections or appointments can be made to such office by the authority of this Constitution.

Section 5. All laws and parts of laws now in force in Mississippi Territory, and not repugnant to the provisions of this Constitution, shall continue in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof.

Section 6. Every free white male person, above the age of twenty-one years, who shall be a citizen of the United States and resident in this State at the time of the adoption of this Constitution, shall be deemed a qualified elector, at the first election to be held in this State, anything in the Constitution to the contrary notwithstanding.

Section 7. The president of this Convention shall issue writs of election directed to the sheriffs of the several counties, requiring them to cause an election to be held for a Governor, Lieutenant-Governor, representative to the Congress of the United States, members of the General Assembly and sheriffs of the respective counties, at the respective places of elections, in said counties, except in the county of Warren, in which county the election shall be held at the court house, instead of the place provided by law, on the first Monday and the day following in September next; which election shall be conducted in the manner prescribed by the existing election laws of the Mississippi Territory, and the said Governor, Lieutenant-Governor, and members of the General Assembly, then duly elected, shall continue to discharge the duties of their respective offices for the time prescribed by this Constitution, and until their successors be duly qualified.

Section 8. Until the first enumeration shall be made, as directed by this Constitution, the county of Warren shall be entitled to one representative, the county of Claiborne to two representatives, the county of Jefferson to two representatives; the county of Adams to four representatives, the county of Franklin to one representative, the county of Wilkinson to three representatives, the county of Amite to three representatives, the county of Pike to two representatives, the county of Lawrence to one representative, the county of Marion to one representative, the county of Hancock to one representative, the county of Greene to one representative, the county of Wayne to one representative, the county of Jackson to one representative. The counties of Warren and Claiborne shall be entitled to one senator, the county of Adams to one senator, the county of Jefferson to one senator, the county of Wilkinson to one senator, the county of Amite to one senator, the counties of Franklin and Pike to one senator, the counties of Lawrence, Marion and Hancock to one senator, the counties of Greene, Wayne and Jackson to one senator.

Section 9. The Governor may appoint and commission an additional judge, or one of the former judges of the superior court, whose commission shall expire so soon as appointments can be made under the Constitution. It shall be the duty of the judge so appointed or one of the former territorial judges, to hold superior courts in the counties of Jackson, Greene, Wayne and Hancock, at the time heretofore prescribed by law; provided, that if either of the former territorial judges, in addition to his duty, in the western counties, perform such duty, and no additional judge be appointed, he shall receive an extra compensation, proportioned to the amount of his salary and term of service rendered. If an additional judge be appointed, he shall receive the same compensation for his services as the other judges of the superior court.

Section 10. The sheriff of Wayne County shall, within ten days after the election, make return of the number of votes for senator in his county to the sheriff of Claiborne County, who shall be the returning officer for the district. The sheriff of Pike County shall, within ten days after the election, make return of the number of votes for senator in his county to the sheriff of Franklin County, who shall be the returning officer for the district. The sheriffs of Hancock and Lawrence Counties shall, within ten days after the election, make return of the number of votes for senator in their respective counties to the sheriff of Marion County, who shall be returning officer for the district. The sheriffs of Jackson and Wayne Counties shall, within ten

days after the election, make return of the number of votes for senator in their respective counties to the sheriff of Greene County, who shall be the returning officer for the district.

## Ordinance

Whereas, it is required by the act of Congress under which this Convention is assembled that certain provisions should be made by an ordinance of this Convention.

Therefore, this Convention, for and in behalf of the people inhabiting this State, do ordain, agree and declare that they forever disclaim all rights or title to the waste or unappropriated lands lying within the State of Mississippi, and that the same shall be and remain at the sole and entire disposition of the United States, and, moreover, that each and every tract of land sold by Congress shall be and remain exempt from any tax laid by the order or under the authority of this State, whether for State, county, township, parish, or other purposes whatever, for the term of five years, from and after the respective days of sale thereof, and that the lands belonging to the citizens of the United States, residing without this State shall never be taxed higher than the lands belonging to persons residing within the same; that no taxes shall be imposed on lands the property of the United States, and that the River Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways and forever free, as well to the inhabitants of this State as to other citizens of the United States, without any duty, tax, import, or toll therefor imposed by this State; and this ordinance is hereby declared irrevocable without the consent of the United States.

Done in Convention at the town of Washington, the fifteenth day of August, in the year of our Lord 1817, and in the forty-second year of the Independence of the United States of America.

David Holmes  
President of the Convention and Delegate  
from the County of Adams

Josiah Simpson  
James C. Wilkins  
John Taylor  
Christopher Rankin  
Edward Turner  
Joseph Sessions  
John Steele  
Cowles Mead  
Hezekiah J. Balch  
Joseph E. Davis  
Walter Leake  
Thomas Barnes  
Daniel Burnet  
Joshua G. Clark  
Henry D. Downs  
Andrew Glass  
James Knox  
George Poindexter  
Daniel Williams  
Abram M. Scott  
John Joor  
Jerard C. Brandon  
Joseph Johnson  
Henry Hanna  
Thomas Batchelor  
John Burton  
Thomas Torrence  
Angus Wilkinson  
William Latimore  
John MLeod  
Thomas Bilbo

David Dickson  
William J. Minton  
James Y. MNabb  
Harmon Runnels  
George W. King  
John Ford  
Dougal MLaughlin  
Noel Jourdan  
Amos Burnet  
James Patton  
Clinch Gray  
Laughlin MKay  
John MRea  
Louis Winston, Secretary of the Convention