Jas Wommell

THE INDIANA STATE SENTINEL.

WILLIAM J. BROWN, Editor.
AUSTIN H. BROWN, Publisher.

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INDIANA STATE SENTINEL:

A GAZETTE OF THE PEOPLE,

☞Office in THE SENTINEL BUILDINGS☜

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OPPOSITE ODD FELLOW'S HALL.

AUSTIN H. BROWN, Publisher.

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AUSTIN H. BROWN,
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AMENDED CONSTITUTION

OF THE STATE OF INDIANA,

AS ADOPTED BY THE CONVENTION OF THE PEOPLE, FEBRUARY 10, 1851.

PREAMBLE.

To the end, that justice be established, public order maintained, and liberty perpetuated; we, the People of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE I.

BILL OF RIGHTS.

Section 1. We declare, That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that, among these, are life, liberty, and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the People have, at all times, an indefeasable right to alter and reform their government.

Sec. 2. All men shall be secured in the natural right to worship Almighty God, according to the dictates of their own consciences.

Sec. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Sec. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect or support, any place of worship, or to maintain any ministry, against his consent.

Sec. 5. No religious test shall be required, as a qualification for any office of trust or profit.

Sec. 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

Sec. 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Sec. 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

Sec. 9. No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right, every person shall be responsible.

Sec. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

Sec. 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Sec. 12. All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

Sec. 13. In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and 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, and to have compulsory process for obtaining witnesses in his favor.

Sec. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

Sec. 15. No person arrested or confined in jail, shall be treated with unnecessary rigor.

Sec. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

Sec. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

Sec. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

Sec. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

Sec. 20. In all civil cases, the right of trial by jury shall remain inviolate.

Sec. 21. No man's particular services shall be demanded, without just compensation. No man's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

Sec. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted: and there shall be no imprisonment for debt, except in case of fraud.

Sec. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.

Sec. 24. No *ex post facto* law, or law impairing the obligation of contracts shall ever be passed.

Sec. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

Sec. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

Sec. 27. The privilege of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

Sec. 28. Treason against the State shall consist, only in levying war against it, and in giving aid and comfort to its enemies.

Sec. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

Sec. 30. No conviction shall work corruption of blood, or forfeiture of estate.

Sec. 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly, for redress of grievances.

Sec. 32. The people shall have a right to bear arms, for the defense of themselves and the State.

Sec. 33. The military shall be kept in strict subordination to the civil power.

Sec. 34. 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.

Sec. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

Sec. 36. Emigration from the State shall not be prohibited.

Sec. 37. There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

ARTICLE II.

SUFFRAGE AND ELECTION.

Section 1. All elections shall be free and equal.

Sec. 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male, of foreign birth, of the age of twenty one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization; shall be entitled to vote, in the township or precinct where he may reside.

Sec. 3. No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine, have the right to vote.

Sec. 4. No person shall be deemed to have lost his residence in the State, by reason of his absence, either on business of this State or of the United States.

Sec. 5. No Negro or Mulatto shall have the right of suffrage.

Sec. 6. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

Sec. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

Sec. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

Sec. 9. No person holding a lucrative office or appointment under the United States or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, that offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: *And provided, also*, that counties, containing less than one thousand polls, may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person.

Sec. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

Sec. 11. In all cases in which it is provided, that an office shall not be filled by the same person, more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

Sec. 12. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

Sec. 13. All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

Sec. 14. All general elections shall be held on the second Tuesday in October.

ARTICLE III.

DISTRIBUTION OF POWERS.

Section 1. The powers of the Government are divided into three separate departments; the Legislative, the Executive, including the Administrative, and the Judicial; and no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted, except by bill.

Sec. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred, members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided.

Sec. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however*, that the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and of those of the second class at the expiration of four years; so that one half, as nearly as possible, shall be chosen biennially, forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

Sec. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made, of all the white male inhabitants over the age of twenty-one years.

Sec. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age, in each: *Provided*, that the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

Sec. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

Sec. 7. No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State; and, for one year next preceding his election, an inhabitant of the county or district, whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one, years of age.

Sec. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

Sec. 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But, if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

Sec. 10. Each House, when assembled, shall choose its own officers, (the President of the Senate excepted,) judge the elections, qualifications, and returns of its own members, determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

Sec. 11. Two-thirds of each House shall constitute a quorum, to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days, until an organization shall have been effected.

Sec. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, that, on a motion to adjourn, it shall require one-tenth of the members present, to order the yeas and nays.

Sec. 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

Sec. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two thirds, expel a member; but not a second time, for the same cause.

Sec. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior, in its presence; but such imprisonment shall not, at any one time, exceed twenty-four hours.

Sec. 16. Each House shall have all powers, necessary for a branch of the Legislative department of a free and independent State.

Sec. 17. Bills may originate in either House, but may be amended, or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

Sec. 18. Every bill shall be read, by sections, on three several days, in each house; unless, in case of emergency, two-thirds of the House, where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill, by sections, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill, or joint resolution, shall be taken by yeas and nays.

Sec. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void, only as to so much thereof as shall not be expressed in the title.

Sec. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

Sec. 21. No act shall ever be revised, or amended, by mere reference to its title; but the act revised, or section amended, shall be set forth and published, at full length.

Sec. 22. The General Assembly shall not pass local or special laws, in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of Justices of the Peace and of Constables.

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice.

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening, and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys, and public squares;

Summoning and empanneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation.

For the assessment and collection of taxes for State, county, township, or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries;

In relation to interest on money;

Providing for opening and conducting elections, of State, county, or township officers—and designating the places of voting;

Providing for the sale of real estate, belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

Sec. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

Sec. 24. Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act, authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

Sec. 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the Presiding Officers of the respective Houses.

Sec. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

Sec. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

Sec. 28. No act shall take effect, until the same shall have been published and circulated, in the several counties of the State, by authority, except in case of emergency; which emergency shall be declared in the preamble, or in the body of the law.

Sec. 29. The members of the General Assembly shall receive, for their services, a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

Sec. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.

ARTICLE V.

EXECUTIVE.

Section 1. The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years, in any period of eight years.

Sec. 2. There shall be a Lieutenant Governor, who shall hold his office during four years.

Sec. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

Sec. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor, and for whom as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor, shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

Sec. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant Governor as the case may be.

Sec. 6. Contested elections, for Governor or Lieutenant Governor, shall be determined by the General Assembly, in such manner as may be prescribed by law.

Sec. 7. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices, who shall not have attained the age of thirty years.

Sec. 8. No member of Congress, or person holding any office under the United States, or under this State, shall fill the office of Governor, or of Lieutenant Governor.

Sec. 9. The official term of the Governor and Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

Sec. 10. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant Governor; and the General Assembly shall, by law, provide for the case of removal from office death, resignation, or inability of both the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed or a Governor be elected.

Sec. 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members, as President for the occasion.

Sec. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces, to execute the laws, or to suppress insurrection, or to repel invasion.

Sec. 13. He shall, from time to time, give to the General Assembly, information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 14. 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; which House shall enter the objections, at large, upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House, shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered; and, if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return; in which case, it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto, in the office of Secretary State, who shall lay the same before the General Assembly, at its next session, in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

Sec. 15. The Governor shall transact all necessary business with the officers of government, and may require information in writing from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

Sec. 16. He shall take care that the laws be faithfully executed.

Sec. 17. He shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offences except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the General Assembly, at its next meeting; when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided, however*, that the General Assembly may, by law, constitute a council to be composed of officers of State, without whose advice and consent, the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

Sec. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any Court the Governor shall fill such vacancy by appointment, which shall expire, when a successor shall have been elected and qualified.

Sec. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

Sec. 20. Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

Sec. 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and whenever the Senate shall be equally divided, he shall give the casting vote.

Sec. 22. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished, during the term for which he shall have been elected.

Sec. 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive, for his services the same compensation as the Speaker of the House of Representatives; and any person, acting as Governor, shall receive the compensation attached to the office of Governor.

Sec. 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office, during the term, for which he shall have been elected.

ARTICLE VI.

ADMINISTRATIVE.

Sec. 1. There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices, more than four years in any period of six years.

Sec. 2. There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor, and Recorder, shall continue in office four years; and no person shall be eligible to the office of Clerk Recorder, or Auditor, more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner, and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff, more than four years in any period of six years.

Sec. 3. Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

Sec. 4. No person shall be elected, or appointed, as a county officer, who shall not be an elector of the county; nor any one, who shall not have been an inhabitant thereof, during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties, out of which the same shall have been taken.

Sec. 5. The Governor, and the Secretary, Auditor, and Treasurer of State shall severally reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

Sec. 6. All county, township, and town officers shall reside within their respective counties, townships, and towns, and shall keep their respective offices at such places therein, and perform such duties, as may be directed by law.

Sec. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

Sec. 8. All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.

Sec. 9. Vacancies in county, township, and town offices shall be filled in such manner as may be prescribed by law.

Sec. 10. The General Assembly may confer upon the boards doing county business in the several counties, powers of a local, administrative character.

ARTICLE VII.

JUDICIAL.

Section. 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such inferior Courts, as the General Assembly may establish.

Sec. 2. The Supreme Court shall consist of not less than three, nor more than five Judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

Sec. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population, as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

Sec. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the State, in appeals and writs of error under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

Sec. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the Court thereon.

Sec. 6. The General Assembly shall provide by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no Judge shall be allowed to report such decisions.

Sec. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

Sec. 8. The Circuit Courts shall each consist of one Judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.

Sec. 9. The State shall, from time to time, be divided into judicial Circuits; and a Judge, for each Circuit shall be elected by the voters thereof. He shall reside within the Circuit, and shall hold his office for the term of six years, if he so long behave well.

Sec. 10. The General Assembly may provide by law, that the Judge of one Circuit may hold the Courts of another Circuit, in cases of necessity or convenience; and, in case of temporary inability of any Judge from sickness or other cause, to hold the Courts in his Circuit, provision may be made by law for holding such courts.

Sec. 11. There shall be elected, in each Judicial Circuit, by the voters thereof, a Prosecuting Attorney, who shall hold his office for two years.

Sec. 12. Any Judge or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

Sec. 13. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

Sec. 14. A competent number of Justices of the Peace shall be elected, by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

Sec. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

Sec. 16. No person elected to any judicial office, shall, during the term for which he shall have been elected, be eligible to any office of trust or profit, under the State other than a judicial office.

Sec. 17. The General Assembly may modify, or abolish, the Grand Jury system.

Sec. 18. All criminal prosecutions shall be carried on, in the name, and by the authority, of the State; and the style of all process shall be "The State of Indiana."

Sec. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or, the powers and duties of the same may be conferred upon other Courts of justice; but such tribunals or other Courts when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntary submit their matters of difference, and agree to abide the judgment of such tribunal or Court.

Sec. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify, and abridge, the rules, practice, pleadings and forms of the Courts of justice. And they shall provide for abolishing the distinct forms of action at law, now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly, may also, make it the duty of said Commissioners to reduce into a systematic code, the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to abridgement and amendment, as to said Commissioners may seem necessary or proper. Provision shall be made, by law, for filling vacancies, regulating the tenure of office, and the compensation of said Commissioners.

Sec. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all Courts of justice.

ARTICLE VIII.

EDUCATION.

Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly, to encourage by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

Sec. 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such Seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to this State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of 28th September, 1850, after deducting the expense of selecting and of draining the same;

Taxes on the property of corporations, that may be assessed by the General Assembly for Common School purposes.

Sec. 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated, to the support of Common Schools, and to no other purpose whatever.

Sec. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund, as have not heretofore been entrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties of the interest thereof.

Sec 5. If any county shall fail to demand its proportion of such interest, for Common School purposes, the same shall be re-invested, for the benefit of such county.

Sec. 6. The several counties shall be held liable for the preservation of so much of the said fund, as may be entrusted to them, and for the payment of the annual interest thereon.

Sec. 7. All trust funds, held by the State, shall remain inviolate, and be faithfully and exclusively applied to the purposes, for which the trust was created

Sec. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction; who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

ARTICLE IX.

STATE INSTITUTIONS.

Section 1. It shall be the the duty of the General Assembly, to provide, by law, for the support of Institutions for the education of the Deaf and Dumb, and of the Blind; and also, for the treatment of the Insane.

Sec. 2. The General Assembly shall provide Houses of Refuge, for the correction and reformation of juvenile offenders.

Sec 3. The county boards shall have power to provide farms, as an asylum for those persons, who, by reason of age, infirmity, or other misfortune, may have a claim upon the sympathies and aid of society.

ARTICLE X.

FINANCE.

Section 1. The General Assembly shall provide, by law, for a uniform and equal rate assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational literary, scientific, religious, or charitable purposes, as may be specially exempted by law.

Sec. 2 All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may at any time, remain in the Treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than Bank bonds; shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the Public Debt.

Sec. 3. No money shall be drawn from the Treasury, but in pursuance of appropriations made by law.

Sec. 4. An accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly.

Sec. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: to meet casual deficits in the revenue, to pay the interest on the State Debt, to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defence.

Sec. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company, nor shall the General Assembly ever, on behalf of the State, assume the debt of any county, city, town, or township; nor of and corporation whatever.

ARTICLE XI.

CORPORATIONS.

Sec. 1. The General Assembly shall not have power to establish or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Sec. 2. No banks shall be established, otherwise than under a general banking law, except as provided in the fourth section of this article.

Sec. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required, which collateral security shall be under the control of the proper officer or officers of State.

Sec. 4. The General Assembly may also charter a Bank with Branches, without collateral security, as required in the preceding section.

Sec. 5. If the General Assembly shall establish a Bank with Branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

Sec. 6. The stockholders in every bank or banking company shall be individually responsible, to an amount, over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

Sec. 7. All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

Sec. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

Sec. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

Sec. 10. Every bank or banking company shall be required to cease all banking operations, within twenty years from the time of its organization, and promptly thereafter to close its business.

Sec. 11. The General Assembly is not prohibited from investing the Trust Funds in a Bank with branches; but, in case of such investment, the safety of the same shall be guarantied by unquestionable security.

Sec. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

Sec. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

Sec. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

ARTICLE XII.

MILITIA.

Sec. 1. The militia shall consist of all able-bodied white male persons, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped, and trained, in such manner as may be provided by law.

Sec. 2. The Governor shall appoint the Adjutant, Quartermaster, and Commissary Generals.

Sec. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

Sec. 4. The General Assembly shall, by law, determine the method of dividing the militia into divisions, brigades, regiments, battallions and companies, and fix the rank of all staff officers.

Sec. 5. The militia may be divided into classes of sedentary and active militia, in such manner as shall be prescribed by law.

Sec. 6. No person, conscientiously opposed to bearing arms, shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law.

ARTICLE XIII.

NEGROES AND MULATTOES.

Sec. 1. No Negro or Mulatto shall come into, or settle in the State, after the ado