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OFFICIAL JOURNAL

OF THE CONSOLIDATED CITY OF NEW ORLEANS.

OFFICIAL.

JOURNAL OF THE STATE CONVENTION.

EVENING SESSION.

SATURDAY, July 31, 1852.

The Convention met pursuant to adjournment.

Present Hon. D. F. Kenner, President of the Convention, in the chair, and one hundred and five delegates.

Mr. Preaux was called to the chair.

Mr. Carter offered the following resolution, which being read, was on motion unanimously adopted, to-wit:

Resolved, That the Convention do hereby express their acknowledgments to the Hon. D. F. Kenner, President of this Convention, for the impartial, faithful and able manner with which he has presided over the deliberations of this body.

Mr. Gardere, on behalf of the Committee on Contingent Expenses, offered the following resolution, which being read, was on motion adopted, to-wit:

Resolved, That the President of this Convention be, and is hereby, authorized to order the payment of the following accounts to the persons hereinafter named:

T. D. Lewis, Messenger of the Convention, one hundred and fifty dollars	$150 00
J. C. Lanoue for stationery for the use of the Convention, one hundred and ninety-one dollars thirteen cents	191 13
Morse's Telegraph, for telegraphic dispatches, five dollars seventy-five cents	5 75
W. D. Mann, for ice up to 31st inst., twenty-eight dollars fifty-six cents	28 56
I. L. Wolff, for mending desks, etc., twenty-two dollars	22 00
Larguier & Lanoue, for sundry articles, fifteen dollars	15 00
Michael Granary, for lard oil, nineteen dollars thirty-five cents	19 35
L. Rumicles, for two days' services, twelve dollars	12 00
C. L. Marshall, Sergeant-at-Arms, amount of his bill, forty six dollars sixty cents....$46 60	
Amount paid by him for ice-box, etc., three dollars sixty cents	16 75
For hire of four servants, as per his bill	140 00— 201 35
A. Regar, for three signs, six dollars	6 00
J. B. Haughton, Post-master, for disbursements made by him, two dollars fifteen cents	2 15
NewOrleans Crescent, for 841 copies to members during the session, and 130 copies during two months after adjourning, eleven hundred and one dollars	1,101 00
Daily Delta, for 94 copies, ninety-four dollars	94 00
Democratic Advocate, 74 copies, seventy-four dollars	74 00
Daily Comet, 41 copies, forty-one dollars	41 00
Commercial Bulletin, 37 copies, thirty-seven dollars	37 00
NewOrleans Bee, 83 copies, eighty-three dollars	83 00
Daily True Delta, 40 copies, forty dollars	40 00
Louisiana Courier, 91 copies, ninety-four dollars	91 00
Daily Picayune, 84 copies, eighty-four dollars	84 00
Daily Orleanian, 17 copies, seventeen dollars	17 00
Baton Rouge Gazette, 14 copies, fourteen dollars	14 00
Lafayette Republican, 9 copies, nine dollars	9 00
Southern Democrat, 32 copies, thirty-two dollars	32 00
To C. L. Marshall, Sergeant-at-Arms, for the payment by him of the following newspapers, viz:	
Campaign Union, two dollars	$2 00
Thibodaux Minerva, one dollar	1 00
Concordia Intelligencer, one dollar	1 00
Teche Courier, two dollars	2 00
Louisiana Spectator, four dollars	4 00
Vigilant, one dollar	1 00
Red River Republican, one dollar	1 00
Point Coupee Echo, one dollar	1 00
Louisiana Statesman, one dollar	1 00
Western Democrat, three dollars	3 00
Ouachita Register, one dollar	1 00
Camasiga Republic, one dollar	1 00— 19 00
To J. H. Maddox, Printer, for job work, as per bill approved by J. B. Walton, Secretary	263 00
	$2,785 79
Baton Rouge Gazette, for printing lists of members and yeas and nays, as per bill approved by J. E. Layet, Secretary	75 00
	$2,860 79

Mr. Jennings offered the following resolution, which, being read, was on motion adopted:

Resolved, That the sum of one hundred and fifty dollars be allowed to R. R. Easten, who was employed to make out a tabular statement of the census of 1850, in compliance with a call of the Convention.

Mr. Benjamin, on behalf of the Committee on Enrollments, reported the Constitution as having been duly enrolled and ready for final adoption, as follows:

PREAMBLE.

We, the people of the State of Louisiana, do ordain and establish this Constitution:

TITLE I.

DISTRIBUTION OF POWERS.

ART. 1. The powers of the government of the State of Louisiana shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to-wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another.

ART. 2. No one of these Departments, nor any person holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

TITLE II.

LEGISLATIVE DEPARTMENT.

ART. 3. The Legislative power of the State shall be vested in two distinct branches, the one to be styled the "House of Representatives," the other the Senate, and both the "General Assembly" of the State of Louisiana.

ART. 4. The members of the House of Representatives shall continue in service for the term of two years from the day of the closing of the general elections.

ART. 5. Representatives shall be chosen on the first Monday in November every two years, and the election shall be competed in one day. The General Assembly shall meet annually, on the third Monday in January, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

ART. 6. Every duly qualified elector, under this Constitution, shall be eligible to a seat in the General Assembly, provided that no person shall be a Representative or Senator unless he be, at the time of his election, a duly qualified voter of the Representative or Senatorial District from which he is elected.

ART. 7. Elections for members of the General Assembly shall be held at the several election precincts established by law. The Legislature may delegate the power of establishing election precincts to the parochial or municipal authorities.

ART. 8. Representation in the House of Representatives shall be equal and uniform, and shall be regulated and ascertained by the total population of each of the several parishes of the State. Each parish shall have at least one Representative. No new parish shall be created with a territory less than six hundred and twenty-five square miles, nor with a population less than the full number entitling it to a Representative, nor when the creation of such new parish would leave any other parish without the said extent of territory and amount of population.

The first enumeration by the State authorities under this Constitution shall be made in the year 1853, the second in the year 1858, the third in the year 1863; after which time the General Assembly shall direct in what manner the census shall be taken, so that it be made at least once in every period of ten years, for the purpose of ascertaining the total population in each parish and election district.

At the first regular session of the Legislature, after the making of each enumeration, the Legislature shall apportion the representation among the several parishes and election districts on the basis of the total population, as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many Representatives as its aggregate population shall entitle it to, and an additional Representative for any fraction exceeding one-half the Representative number. The number of Representatives shall not be more than one hundred, nor less than seventy. Until an apportionment shall be made, and elections held under the same, in accordance with the first enumeration to be made as directed in this article, the Representation in the Senate and House of Representatives shall be and remain as at present established by law.

The limits of the Parish of Orleans are hereby extended, so as to embrace the whole of the present city of New Orleans, including that part of the Parish of Jefferson, formerly known as the city of Lafayette.

All that part of the Parish of Orleans which is situated on the left bank of the Mississippi river shall be divided by the Legislature into not more than ten Representative Districts, and until a new apportionment shall be made according to the first census to be taken under this Constitution, that part of the city of New Orleans which was comprised within the former limits of the city of Lafayette, shall vote for Senators from the Parish of Orleans, and form the Tenth Representative District, and shall elect two out of the three Representatives now apportioned by law to the Parish of Jefferson; the other Representative Districts shall remain as they are now established.

ART. 9. The House of Representatives shall choose its Speaker and other officers.

ART. 10. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the Parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting; but no voter on removing from one Parish to another within the State, shall lose the right of voting in the former until he shall have acquired it in the latter. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at, going to, or returning from elections.

ART. 11. The Legislature shall provide by law, that the names and residence of all qualified electors of the city of New Orleans, shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 12. No soldier, seaman or marine in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

ART. 13. No person shall be entitled to vote at any election held in this State, except in the Parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

ART. 14. The members of the Senate shall be chosen for the term of four years. The Senate, when assembled, shall have the power to choose its officers.

ART. 15. The Legislature, in every year in which they shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No Parish shall be divided in the formation of a Senatorial District—the Parish of Orleans excepted. And whenever a new Parish shall be created, it shall be attached to the Senatorial District from which most of its territory was taken, or to another contiguous District, at the discretion of the Legislature, but shall not be attached to more than one District. The number of Senators shall be thirty-two, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several Districts—Provided, that no Parish shall be entitled to more than five Senators.

ART. 16. In all apportionments of the Senate, the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-seven, (27,) and the result produced by this division shall be the Senatorial ratio entitling a Senatorial District to a Senator. Single or contiguous Parishes shall be formed into Districts, having a population the nearest possible to the number entitling a District to a Senator; and if, in the apportionment to be made, a Parish or District fall short of or exceed the ratio one-fifth, then a District may be formed having not more than two Senators, but not otherwise. No new apportionment shall have the effect of abridging the term of service of any Senator already elected at the time of making the apportionment. After an enumeration has been made as directed in the eighth Article, the Legislature shall not pass any law until an apportionment of Representation in both Houses of the General Assembly be made.

ART. 17. At the first session of the General Assembly after this Constitution takes effect, the Senators shall be equally divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; so that one-half shall be chosen every two years, and a rotation thereby kept up perpetually. In case any District shall have elected two or more Senators, said Senators shall vacate their seats respectively at the end of two and four years, and lots shall be drawn between them.

ART. 18. The first election for Senators shall be general throughout the State, and at the same time that the general election for Representatives is held; and thereafter there shall be biennial elections to fill the place of those whose time of service may have expired.

ART. 19. Not less than a majority of the members of each house of the General Assembly shall form a quorum to do business, but a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

ART. 20. Each house of the General Assembly shall judge of the qualification, election and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

ART. 21. Each house of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same offence.

ART. 22. Each house of the General Assembly shall keep and publish a weekly journal of its proceedings; and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

ART. 23. Each house may punish by imprisonment any person not a member, for disrespectful and disorderly behavior in its presence, or for obstructing any of its proceedings. Such imprisonment shall not exceed ten days for any one offence.

ART. 24. Neither house, during the session of the General Assembly, 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.

ART. 25. The members of the General Assembly shall receive from the public treasury a compensation for their services, which shall be four dollars per day during their attendance, going to and returning from the session of their respective houses. The compensation may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the House of Representatives by whom such alteration shall have been made. No session shall extend to a period beyond sixty days, to date from its commencement, and any legislative action had after the expiration of the said sixty days, shall be null and void. This provision shall not apply to the first Legislature which is to convene after the adoption of this Constitution.

ART. 26. The members of the General Assembly shall, in all cases except treason, felony, breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and going to or returning from the same, and for any speech or debate in either house, they shall not be questioned in any other place.

ART. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be filled by the elections of the people.

ART. 28. No person who at any time may have been a collector of taxes, whether State, Parish or Municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

ART. 29. No bill shall have the force of a law until on three several days it be read over in each house of the General Assembly, and free discussion allowed thereon, unless in case of urgency four-fifths of the house, where the bill shall be pending, may deem it expedient to dispense with this rule.

ART. 30. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills; provided they shall not introduce any new matter under color of an amendment, which does not relate to raising revenue.

ART. 31. The General Assembly shall regulate by law, by whom, and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ART. 32. The Senate shall vote on the confirmation or rejection of officers to be appointed by the Governor, with the advice and consent of the Senate, by yeas and nays, and the names of the Senators voting for and against the appointments respectively, shall be entered on a journal to be kept for that purpose, and made public at the end of each session, or before.

ART. 33. Returns of all elections for members of the General Assembly shall be made to the Secretary of State.

ART. 34. In the year in which a regular election for a Senator of the United States is to take place, the members of the General Assembly shall meet in the Hall of the House of Representatives, on the Monday following the meeting of the Legislature, and proceed to the said election.

TITLE III.

EXECUTIVE DEPARTMENT.

ART. 35. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Louisiana. He shall hold his office during the term of four years, and, together with the Lieutenant Governor chosen for the same term, be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor, at the time and place of voting for Representatives; the returns of every election shall be sealed up and transmitted by the proper returning officer to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, on the second day of the session of the General Assembly, then next to be holden. The members of the General Assembly shall meet in the House of Representatives, to examine and count the votes. The person having the greatest number of votes for Governor, shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall immediately be chosen Governor by joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor, shall be Lieutenant Governor; but if two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by joint vote of the members of the General Assembly.

ART. 36. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have attained the age of twenty-eight years and been a citizen and a resident within the State for the space of four years next preceding his election.

ART. 37. The Governor shall enter on the discharge of his duties on the fourth Monday of January next ensuing his election, and shall continue in office until the Monday next succeeding the day that his successor shall be declared duly elected, and shall have taken the oath or affirmation required by this Constitution.

ART. 38. The Governor shall be ineligible for the succeeding four years after the expiration of the time for which he shall have been elected.

ART. 39. No member of Congress or person holding any office under the United States shall be eligible to the office of Governor or Lieutenant Governor.

ART. 40. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall return or be acquitted. The Legislature may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the Governor and Lieutenant Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed, or for the residue of the term.

ART. 41. The Lieutenant Governor, or other officer discharging the duties of Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled, had he continued in office.

ART. 42. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. Whenever he shall administer the Government, or shall be unable to attend as President of the Senate, the Senators shall elect one of their own members as President of the Senate for the time being.

ART. 43. While he acts as President of the Senate, the Lieutenant Governor shall 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.

ART. 44. The Governor shall have power to grant reprieves for all offences against the State, and, except in cases of impeachment, shall, with the consent of the Senate, have power to grant pardons and remit fines and forfeitures, after conviction. In cases of treason he may grant reprieves, until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

ART. 45. 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.

ART. 46. He shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia thereof, except when they shall be called into the service of the United States.

ART. 47. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution, and whose appointment is not therein otherwise provided for: Provided, however, that the Legislature shall have a right to prescribe the mode of appointment to all other offices established by law.

ART. 48. The Governor shall have power to fill vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session, unless otherwise provided for in this Constitution; but no person who has been nominated for office, and rejected by the Senate, shall be appointed to the same office during the recess of the Senate.

ART. 49. He may require information in writing from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

ART. 50. He shall, from time to time, give to the General Assembly information respecting the situation of the State; and recommend to their consideration such measures as he may deem expedient.

ART. 51. He may on extraordinary occasions convene the General Assembly at the seat of Government, or at a different place if that should have become dangerous from an enemy or from epidemic; and in case of disagreement between the two houses as to the time of adjournment, he may adjourn them to such time as he may think proper, not exceeding four months.

ART. 52. He shall take care that the laws be faithfully executed.

ART. 53. Every bill which shall have passed both houses shall be presented to the Governor; if he approve, he shall sign it, if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it; if after such reconsideration two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house, it shall be a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent its return; in which case it shall be a law, unless sent back within three days after their next session.

ART. 54. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question 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 two-thirds of the members elected to each house of the General Assembly.

ART. 55. There shall be a Secretary of State, who shall hold his office during the time for which the Governor shall have been elected. The records of the State shall be kept and preserved in the office of the Secretary; he shall keep a fair register of the official acts and proceedings of the Governor, and when necessary shall attest them. He shall, when required, lay the said register, and all papers, minutes and vouchers relative to his office, before either house of the General Assembly, and shall perform such other duties as may be enjoined on him by law.

ART. 56. There shall be a Treasurer of the State who shall hold his office during the term of two years.

ART. 57. The Secretary of State and Treasurer of State, shall be elected by the qualified electors of the State. And in case of any vacancies caused by the death, resignation, or absence of the Treasurer or Secretary of State, the Governor shall order an election to fill said vacancy.

ART. 58. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal and signed by the Governor.

ART. 59. The free white men of the State shall be armed and disciplined for its defence; but those who belong to religious societies whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal services.

ART. 60. The Militia of the State shall be organized in such manner as may be hereafter deemed most expedient by the Legislature.

TITLE IV.

JUDICIARY DEPARTMENT.

ART. 61. The Judiciary power shall be vested in a Supreme Court, in such inferior courts as the Legislature may, from time to time, order and establish, and in Justices of the Peace.

ART. 62. The Supreme Court, except in cases hereinafter provided, shall have appellate jurisdiction only; which jurisdiction shall extend to all cases when the matter in dispute shall exceed three hundred dollars; to all cases in which the constitutionality or legality of any tax, toll, or impost whatsoever, or of any fine, forfeiture or penalty imposed by a municipal corporation, shall be in contestation; and to all criminal cases on questions of law alone, whenever the offence charged is punishable with death or imprisonment at hard labor, or when a fine exceeding three hundred dollars is actually imposed. The Legislature shall have power to restrict the jurisdiction of the Supreme Court in civil cases to questions of law only.

ART. 63. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice shall receive a salary of six thousand dollars, and each of the Associate Judges a salary of five thousand five hundred dollars, annually, until otherwise provided by law. The Court shall appoint its own Clerks; the Judges shall be elected for the term of ten years.

ART. 64. The Chief Justice shall be elected by the qualified electors of the State. The Legislature shall divide the State into four Districts, and the qualified electors of each District shall elect one of the Associate Justices. The State shall be divided into the following Districts, until the Legislature shall otherwise direct:

FIRST DISTRICT.

The Parishes of Plaquemines, St. Bernard, that portion of the Parish of Orleans on the right bank of the Mississippi river, and that portion of the City of NewOrleans which lies below the line extending from the river Mississippi along the middle of Julia street, until it strikes the NewOrleans Canal, and thence down said canal to the Lake.

SECOND DISTRICT.

That portion of the City of NewOrleans which is situated above the line extending along the middle of Julia street until it strikes the NewOrleans Canal, and thence down said Canal to the Lake, and the Parishes of Jefferson, St. John the Baptist, St. Charles, St. James, Ascension, Assumption, Lafourche Interior, Terrebonne, West Baton Rouge and Iberville.

THIRD DISTRICT.

The Parishes of St. Tammany, Washington, Livingston, St. Helena, East Baton Rouge, East Feliciana, West Feliciana, Point Coupee, Avoyelles, Tensas, Concordia, Lafayette, Vermillion, St. Mary, St. Martin and St. Landry.

FOURTH DISTRICT.

The Parishes of Calcasieu, Rapides, Sabine, Natchitoches, DeSoto, Caddo, Bossier, Claiborne, Bienville, Caldwell, Union, Ouachita, Morehouse, Jackson, Franklin, Catahoula, Madison, Carroll and Winn.

ART. 65. The office of one of the Associate Justices shall be vacated at the expiration of the second year, of another at the expiration of the fourth year, of a third at the expiration of the sixth year, and of the fourth at the expiration of the eighth year—so that one of the Judges of the Supreme Court shall be elected every second year.

ART. 66. The Secretary of State, on receiving the official returns of the first election, shall proceed immediately, in the presence and with the assistance of two Justices of the Peace, to determine by lot among the four candidates having the highest number of votes in their respective Districts, which of the Associate Justices elect shall serve for the term of two years, which shall serve for the term of four years, which for the term of six years, and which for the term of eight years; and the Governor shall issue commissions accordingly.

ART. 67. Any vacancy that may occur in the Supreme Court from resignation or otherwise, shall be filled by election for the remainder of the unexpired term; but if such remainder do not exceed one year, the vacancy shall be filled by Executive appointment.

ART. 68. The Supreme Court shall hold its sessions in NewOrleans from the first Monday of the month of November to the end of the month of June, inclusive. The Legislature shall have power to fix the sessions elsewhere during the rest of the year; until otherwise provided, the sessions shall be held as heretofore.

ART. 69. The Supreme Court and each of the Judges thereof shall have power to issue writs of *habeas corpus*, at the instance of all persons in actual custody under process in all cases in which they may have appellate jurisdiction.

ART. 70. No judgment shall be rendered by the Supreme Court without the concurrence of a majority of the Judges comprising the court. Whenever a majority cannot agree, in consequence of the recusation of any member or members of the court, the Judges not recused shall have power to call upon any Judge or Judges of the inferior courts, whose duty it shall be, when so called upon, to sit in the place of the Judges recused, and to aid in determining the case.

ART. 71. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name, and by authority of the State of Louisiana, and conclude against the peace and dignity of the same.

ART. 72. The Judges of all courts within this State shall, as often as it may be possible so to do, in every definitive judgment, refer to the particular law in virtue of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

ART. 73. The Judges of all courts shall be liable to impeachment; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-fourths of the members present of each house of the General Assembly. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address, and inserted in the Journal of each house.

ART. 74. There shall be an Attorney-General for the State, and as many District Attorneys as may be hereafter found necessary. They shall hold their offices for four years; their duties shall be determined by law.

ART. 75. The Judges, both of the Supreme and inferior Courts, shall, at stated times, receive a salary, which shall not be diminished during their continuance in office; and they are prohibited from receiving any fees of office, or other compensation than their salaries, for any civil duties performed by them.

ART. 76. The Legislature shall have power to vest in Clerks of Courts authority to grant such orders, and do such acts as may be deemed necessary for the furtherance of the administration of justice, and in all cases the powers thus granted shall be specified and determined.

ART. 77. The Judges of the several inferior courts shall have power to remove the Clerks thereof, for breach of good behavior, subject in all cases to an appeal to the Supreme Court.

ART. 78. The jurisdiction of Justices of the Peace shall be limited in civil cases to cases where the matter in dispute does not exceed one hundred dollars, exclusive of interest, subject to appeal in such cases as shall be provided for by law. They shall be elected by the qualified electors of each Parish, District or Ward, for the term of two years, in such manner, and shall have such criminal jurisdiction, as shall be provided for by law.

ART. 79. Clerks of the inferior Courts in this State shall be elected for the term of four years, and should a vacancy occur subsequent to an election, it shall be filled by the Judge of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election.

ART. 80. A Sheriff and a Coroner shall be elected in each Parish, by the qualified voters thereof, who shall hold their offices for the term of two years, unless sooner removed. The Legislature shall have the power to increase the number of Sheriffs in any Parish. Should a vacancy occur in either of these offices subsequent to an election, it shall be filled by the Governor, and the person so appointed shall continue in office until his successor shall be elected and qualified.

ART. 81. The Judges of the several inferior courts shall be elected by the duly qualified voters of their respective Districts or Parishes.

ART. 82. It shall be the duty of the Legislature to fix the time for holding elections for all Judges at a time, which shall be different from that fixed for all other elections.

ART. 83. The Attorney General shall be elected by the qualified voters of the State, and the District Attorneys by the qualified voters of each District, on the day of the election for Governor of the State.

ART. 84. The Legislature may determine the mode of filling vacancies in the offices of the inferior Judges, Attorney General, District Attorneys, and all other officers not otherwise provided for in this Constitution.

TITLE V.

IMPEACHMENT.

ART. 85. The power of impeachment shall be vested in the House of Representatives.

ART. 86. Impeachment of the Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and of the Judges of the inferior courts, Justices of the Peace excepted, shall be tried by the Senate; and the Chief Justice of the Supreme Court, or the senior Judge thereof, shall preside during the trial of such impeachment. Impeachments of the Judges of the Supreme Court, shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

ART. 87. Judgments in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State, but the convicted parties shall, nevertheless, be subject to indictment, trial and punishment according to law.

ART. 88. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of such impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 89. The Legislature shall provide by law for the trial, punishment and removal from office of all other officers of the State, by indictment or otherwise.

TITLE VI.

GENERAL PROVISIONS.

ART. 90. Members of the General Assembly, and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation:

"I (A. B.) do solemnly swear (or affirm,) that I will support the Constitution of the United States and of this State, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States and of this State, and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, with a citizen of this State, nor have I sent or accepted a challenge to fight a duel with deadly weapons with a citizen of this State, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending, so help me God."

ART. 91. 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.

ART. 92. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

ART. 93. Laws shall be made to exclude from office, and from right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties all undue influence thereon, from power, bribery, tumult or other improper practice.

ART. 94. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law, nor shall any appropriation of money be made for a longer term than two years. A regular statement and accounts of the receipts and expenditures of the public money shall be published annually, in such manner as shall be prescribed by law.

ART. 95. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide difficulties by arbitration.

ART. 96. All civil officers for the State at large shall reside within the State, and all District or Parish officers within their Districts or Parishes, and shall keep their offices at such places therein as may be required by law.

ART. 97. All civil officers, except the Governor and Judges of the Supreme and inferior courts shall be removable by an address of a majority of the members of both houses, except those the removal of whom has been otherwise provided for by this Constitution.

ART. 98. In all elections by the people the vote shall be by ballot, and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*.

ART. 99. No member of Congress nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

ART. 100. The laws, public records and the judicial and legislative written proceedings of the State shall be promulgated, preserved and conducted in the language in which the Constitution of the United States is written.

ART. 101. The Secretary of the Senate and Clerk of the House of Representatives shall be conversant with the French and English languages; and members may address either house in the French or English language.

ART. 102. No power of suspending the laws of this State shall be exercised, unless by the Legislature or by its authority.

ART. 103. Prosecutions shall be by indictment or information. The accused shall have a speedy public trial by an impartial jury of the vicinage; he shall not be compelled to give evidence against himself; he shall have the right of being heard by himself or counsel; he shall have the right of meeting the witnesses face to face, and shall have compulsory process for obtaining witnesses in his favor.

ART. 104. All prisoners shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or presumption great, or unless after conviction, for any offence or crime punishable with death or imprisonment at hard labor. 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.

ART. 105. No *ex post facto* law, nor any law impairing the obligation of contracts, shall be passed; nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 106. The press shall be free. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for an abuse of this liberty.

ART. 107. The Seat of Government shall be and remain at Baton Rouge, and shall not be removed without the consent of three-fourths of both houses of the General Assembly.

ART. 108. The State shall not subscribe for the stock of, nor make a loan to, nor pledge its faith for the benefit of any corporation or joint stock company, created or established for banking purposes, nor for other purposes than those described in the following article:

ART. 109. The Legislature shall have power to grant aid to companies or associations of individuals formed for the exclusive purpose of making works of internal improvement, wholly or partially within the State, to the extent only of one-fifth of the capital of such companies, by subscription of stock, or loan of money or public bonds; but any aid thus granted shall be paid to the company only in the same proportion as the remainder of the capital shall be actually paid in by the stockholders of the company; and in case of loan such adequate security shall be required as to the Legislature may seem proper. No corporation or individual association receiving the aid of the State as herein provided, shall possess banking or discounting privileges.

ART. 110. No liability shall be contracted by the State as above mentioned, unless the same be authorized by some law for some single object or work, to be distinctly specified therein, which shall be passed by a majority of the members elected to both houses of the General Assembly; and the aggregate amount of debts and liabilities incurred under this and the preceding article, shall never at any one time exceed the sum of eight millions of dollars.

ART. 111. Whenever the Legislature shall contract a debt exceeding in amount the sum of one hundred thousand dollars, unless in case of war, to repel invasion or suppress insurrection, they shall, in the law creating the debt, provide adequate ways and means for the payment of the current interest and of the principal when the same shall become due. And the said law shall be irrepealable until principal and interest are fully paid and discharged, or unless the repealing law contain some other adequate provision for the payment of the principal and interest of the debt.

ART. 112. The Legislature shall provide by law for a change of venue in civil and criminal cases.

ART. 113. No lottery shall be authorized by this State, and the buying or selling of lottery tickets within the State is prohibited.

ART. 114. No divorce shall be granted by the Legislature.

ART. 115. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

ART. 116. No law shall be revived or amended by reference to its title; but in such case, the act revised or section amended, shall be reenacted and published at length.

ART. 117. The Legislature shall never adopt any system or code of laws by general reference to such system or code of laws, but in all cases shall specify the several provisions of the laws it may enact.

ART. 118. Corporations with banking or discounting privileges may be either created by special acts, or formed under general laws; but the Legislature shall in both cases provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

ART. 119. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

ART. 120. In case of insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

ART. 121. The Legislature shall have power to pass such laws as it may deem expedient for the relief or revival of the Citizens' Bank of Louisiana, and the acts already passed for the same purpose are ratified and confirmed. Provided that the Bank is subjected to the restrictions contained in articles 119 and 120 of this Constitution.

ART. 122. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

ART. 123. Taxation shall be equal and uniform throughout the State. All property on which taxes may be levied, in this State, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied; the Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession.

ART. 124. The citizens of the City of NewOrleans shall have the right of appointing the several public officers necessary for the administration of the police of the said city, pursuant to the mode of elections which shall be prescribed by the Legislature; provided, that the Mayor and Recorders shall be ineligible to a seat in the General Assembly; and the Mayor, Recorders, and Aldermen and Assistant Aldermen, shall be commissioned by the Governor as Justices of the Peace, and the Legislature may vest in them such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of said city may require.

ART. 125. The Legislature may provide by law in what case officers shall continue to perform the duties of their offices until their successors shall have been inducted into office.

ART. 126. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons with a citizen of this State, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, with a citizen of this State, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of holding any office of trust or profit, and of enjoying the right of suffrage under this Constitution; and the office of any State officer, member of the General Assembly, or of any other person holding office of profit or trust under this Constitution and the laws made in pursuance thereof, shall be *ipso facto* vacated by the fact of any such person committing the offence mentioned in this article; and the Legislature shall provide by law for the ascertaining and declaration of such forfeiture.

ART. 127. The Legislature shall have power to extend this Constitution and the jurisdi