

# The St. Landry Whig.

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[No. 40.]

## CONSTITUTION OF THE STATE OF LOUISIANA.

Adopted in Convention, May 16th, 1845.

**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 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, shall exercise power properly belonging to either of the others, except 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, one to be styled the House of Representatives, and 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 completed in one day. The General Assembly shall meet every second year, on the third Monday in January next ensuing the election, unless a different day be appointed by law, and their sessions shall be held at the seat of government.

**Art. 6.** No person shall be a representative who, at the time of his election is not a free white male, and has been ten years a citizen of the United States, and has not attained the age of twenty-one years, and resided in the state for the three years next preceding the election, and the last year thereof in the parish for which he was chosen.

**Art. 7.** Elections for representatives for the several parishes or representative districts shall be held at the several election precincts established by law. The legislature may delegate the power of establishing election precincts to the parishes or municipal authorities.

**Art. 8.** Representation in the house of representatives shall be equal and uniform, and shall be determined and ascertained by the number of qualified electors. 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 number of electors 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 number of electors.

**Art. 9.** The first election for representatives for the several parishes or representative districts shall be held on the first Monday in January next ensuing the year 1847, and the subsequent elections shall be made every tenth year thereafter, in such manner as shall be prescribed by law for the purpose of ascertaining the total population and the number of qualified electors in each parish and election district.

**Art. 10.** At the first regular session of the legislature after the making of such enumeration, the legislature shall apportion the representatives among the several parishes and election districts on the basis of qualified electors as aforesaid. A representative number shall be fixed, and each parish and election district shall have as many representatives as the aggregate number of its electors will entitle it to, and the general representatives for any fraction exceeding one-third of the representative number. The number of representatives shall not be more than one hundred nor less than seventy.

**Art. 11.** Absence from the State for more than nine consecutive days, shall be deemed a resignation, and the seat of the representative shall be filled by the electors of the parish.

**Art. 12.** No person who continues to exercise the functions of a clergyman, priest, or preacher of any religious persuasion, society or sect, shall be eligible to the general assembly.

**Art. 13.** No person who at any time may have been a collector of taxes, 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 from the debts of such collections, and for all public moneys with which he may have been entrusted.

**Art. 14.** 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; and the yeas and nays of the members shall be taken on each reading, and the yeas and nays shall be entered on a journal.

**Art. 15.** In the year in which a regular election of 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 election of a senator.

**Art. 16.** All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments, which shall not be considered as a new matter under the color of an amendment, which does not relate to raising revenue.

**Art. 17.** The general assembly shall regulate, by law, by whom and what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

**Art. 18.** A majority of all the members elected to the senate, shall be required for the confirmation or rejection of officers to be appointed by the governor, with the advice and consent of the senate; and the senate in deciding thereon, shall vote by yeas and nays, and the names of the senators voting for and against the appointments respectively, shall be entered on a journal.

**Art. 19.** Returns of all elections for members of the general assembly shall be made to the secretary of state.

**Art. 20.** A treasurer of the state shall be elected biennially, by joint ballot of the two houses of the general assembly. The governor shall have the power to fill any vacancy that may happen in that office during the recess of the legislature.

**Art. 21.** In the year in which a regular election of 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 election of a senator.

**Art. 22.** No person shall be eligible to the office of senator, unless he shall have attained the age of thirty-five years, been five years a citizen of the United States, and a resident within this state for the same space of time next preceding his election.

**Art. 23.** The senate shall be organized on the second day of the session of the general assembly, and shall meet in the house of representatives, to examine and count the votes. The person having the greatest number of votes shall be declared duly elected; but if two or more persons shall be equal and highest in the number of votes polled for equal, one of them shall immediately be chosen governor by joint vote of the members of the general assembly.

**Art. 24.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 25.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 26.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 27.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 28.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 29.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 30.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

**Art. 31.** 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 immediately be chosen lieutenant governor by joint vote of the members of the general assembly.

No new appointment shall have the effect of abridging the term of service of any senator already elected at the time of making the appointment.

**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 the lots shall be drawn between them.

**Art. 18.** No person shall be a senator who, at the time of his election, has not been a citizen of the United States ten years, and who has not attained the age of thirty years, and who has not resided in the state for the three years next preceding the election, and the last year thereof in the parish for which he may be chosen.

**Art. 19.** The first election for senators shall be general throughout the state, and at the same time that the election for representatives is held; and thereafter after those whose terms of service may have expired.

**Art. 20.** Not less than a majority of the members of each house of the general assembly shall form a quorum, and a smaller number may adjourn from day to day, and shall be authorized by law to compel the attendance of absent members.

**Art. 21.** Each house of the general assembly shall judge the qualifications, election and returns of its members; but contested elections shall be determined in such manner as shall be directed by law.

**Art. 22.** 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. 23.** Each house of the general assembly shall keep and publish weekly a journal of its proceedings; and shall have the 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 for six months, and be subject to reorganisation every sixth year thereafter.

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**Art. 25.** 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. 26.** 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. 27.** He shall nominate and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution and whose appointments are not 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. 28.** 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. 29.** 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. 30.** He shall take care that the laws be faithfully executed.

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succeeding four years after the expiration of the time for which he shall have been elected.

**Art. 42.** No member of congress, or person holding any office under the United States, or minister of any religious society, shall be eligible to the office of governor or lieutenant governor.

**Art. 43.** 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 lieutenant governor shall exercise the powers and duties of the office, until the governor or lieutenant governor, declaring what officer shall act as governor, shall be removed, or for the residue of the term.

**Art. 44.** The lieutenant governor, or other officer discharging the duties of governor, shall, during his absence, exercise the powers and duties of the office, until the governor, absent or impeached, shall return or be acquitted. The lieutenant governor shall exercise the powers and duties of the office, until the governor or lieutenant governor, declaring what officer shall act as governor, shall be removed, or for the residue of the term.

**Art. 45.** 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 oath to the senators, he 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. 46.** 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 also more.

**Art. 47.** 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 for six months, and be subject to reorganisation every sixth year thereafter.

**Art. 48.** 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. 49.** 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. 50.** He shall nominate and with the advice and consent of the senate, appoint all officers whose offices are established by this constitution and whose appointments are not 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. 51.** 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. 52.** 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. 53.** He shall take care that the laws be faithfully executed.

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Art. 68. In all cases in which the judges shall be equally divided in opinion, the judgment appealed from shall stand affirmed; in which case each of the judges shall give his separate opinion in writing.

**Art. 69.** 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 process shall be carried on in the name, and by the authority of the state of Louisiana, and conclude against the peace and dignity of the same.

**Art. 70.** The judges of all courts within this state shall as often as it may be possible so to do, in every judicial judgment rendered by the law in a case of which such judgment may be rendered, and in all cases adduce the reasons on which their judgment is founded.

**Art. 71.** No court or judge shall make any allowance or grant of compensation for any suit he prosecutes, except for the payment of such fees to ministerial officers as may be established by law.

**Art. 72.** No duties or functions shall ever be attached by law to the district courts or to the several judges thereof, which shall be prohibited to receiving any fees or other compensation than their salaries for any civil duties performed by them.

**Art. 73.** The judges of all courts shall be liable to impeachment, but not to removal from office; and shall not be sufficient ground for impeachment; the governor shall remove any of them, on the address of three-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, who shall be elected by the people, and shall hold office for two years; his duties shall be determined by law.

**Art. 75.** The first legislature assembled under this constitution, shall divide the state into judicial districts, which shall remain unchanged for six years, and be subject to reorganisation every sixth year thereafter.

**Art. 76.** The number of districts shall not be less than twelve, nor more than twenty.

**Art. 77.** Each district shall have one judge, learned in the law, shall be appointed, except in the districts in which the cities of New Orleans and Lafayette are situated, in which the legislature may establish as many district courts as the number of electors may require.

**Art. 78.** Each of the said judges shall receive a salary to be fixed by law, which shall not be increased or diminished during his term of office, and shall never be less than two thousand five hundred dollars annually; provided however that the legislature shall have the right to prescribe the mode of appointment to all other offices established by law.

**Art. 79.** The judges of the district courts shall hold their offices for the term of six years. The judges first appointed shall be elected by the qualified voters of each parish, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

**Art. 80.** The clerks of the district courts shall have original jurisdiction in all civil cases, when the amount in dispute exceeds fifty dollars, exclusive of interest. In all criminal cases, and in all matters connected with executions, their jurisdiction shall be unlimited.

**Art. 81.** The legislature shall have power to vest in clerks of courts authority to grant 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 defined by law.

**Art. 82.** The clerks of the several courts shall be removable for breach of good behavior by the judges thereof; subject in all cases to appeal to the supreme court.

**Art. 83.** The jurisdiction of justices of the peace shall never exceed, in civil cases, the sum of one hundred dollars, exclusive of interest, subject to appeal to the district court in such cases as shall be provided for by law. The legislature shall have power to vest in justices of the peace authority to grant 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 defined by law.

**Art. 84.** Clerks of the district courts in this state shall be elected by the qualified voters of each parish, and the term of office of the judges of the first class shall expire at the end of two years, of the second class at the end of four years, and of the third class at the end of six years.

**Art. 85.** The legislature shall have power to vest in clerks of courts authority to grant 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 defined by law.

**Art. 86.** A sheriff and coroner shall be elected in each parish by the qualified voters thereof, who shall hold his office for the term of two years, unless sooner removed.

**Art. 87.** 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.

**TITLE V.**  
**Impeachment.**

**Art. 84.** The power of impeachment shall be vested in the House of Representatives.

**Art. 85.** The impeachment of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, and of the judges of the district courts, shall be tried by the senate. The chief justice of the supreme court, or the senior judge thereof, shall preside in the trial of the senators present, according to the rules 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. 86.** 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 parties convicted shall, nevertheless, be subject to indictment, trial and punishment according to law.

**Art. 87.** All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of their functions during the pendency of the impeachment. The appointing power may make a provisional appointment to replace any suspended officer until the decision on the impeachment.

**Art. 88.** 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. 89.** Members of the General Assembly, and all officers, clerks and judges, 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 faithfully and impartially discharge and perform all the duties incumbent upon me as such officer, 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 I will support and defend the constitution of the United States, and the laws thereof, to the best of my power, and I will not accept or receive any gift, bribe, or other thing, which may be deemed to be an inducement to me to do any act, or to refrain from doing any act, which is contrary to the duties of my office, or 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 I will not accept or receive any gift, bribe, or other thing, which may be deemed to be an inducement to me to do any act, or to refrain from doing any act, which is contrary to the duties of my office, or to the best of my abilities and understanding, agreeably to the constitution and laws of the United States, and of this state; 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