

the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the same manner provided by law for the advertisement of judicial sales. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed, and every such act shall contain a recital that such notice has been given.

Art. 49. No law shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship, nor shall any appropriations be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the State asylums for the insane and deaf, dumb and blind, and the charity hospitals and public charitable institutions conducted under State authority.

Art. 50. Any member of the General Assembly who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Art. 51. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship, nor shall any appropriations be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the State asylums for the insane and deaf, dumb and blind, and the charity hospitals and public charitable institutions conducted under State authority.

Art. 52. The General Assembly shall have no power to increase the expenses of any office by appointing assistant officials.

Art. 53. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the government, interest on the public debt, public schools and public charities, and such bill shall be so itemized as to show for what account each and every appropriation shall be made. All other appropriations shall be made by separate bills, each embracing but one object.

Art. 54. Each appropriation shall be for a specific purpose, and no appropriation shall be made under the head or title of contingent; nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund.

Art. 55. No appropriation of money shall be made by the General Assembly in the last five days of the session thereof; all appropriations, to be valid, shall be passed and receive the signatures of the President of the Senate and Speaker of the House of Representatives five full days before the adjournment *sine die* of the General Assembly.

Art. 56. The funds, credit, property or things of value of the State, or of any political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, association or corporation, public or private; nor shall the State, or any political corporation, purchase or subscribe to the capital or stock of any corporation or association whatever, or for any private enterprise. Nor shall the State, nor any political corporation thereof, assume the liabilities of any political, municipal, parochial, private or other corporation or association whatsoever; nor shall the State undertake to carry on the business of any such corporation or association, or become a part owner therein; provided, the State, through its Legislature, shall have power to grant the right of way through its public lands to any railroad or canal.

Art. 57. The General Assembly shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any parish or municipal corporation; provided, the heirs of confiscated property may be released of all taxes due thereon at the date of its reversion to them.

#### EXECUTIVE DEPARTMENT.

Art. 58. The Executive Department shall consist of a Governor, Lieutenant Governor, Auditor, Treasurer and Secretary of State.

Art. 59. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of Louisiana. He shall hold his office during four years and, together with the Lieutenant Governor, chosen for the same term, shall 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 for Governor and Lieutenant Governor shall be sealed up separately from the returns of election of other officers and transmitted by the proper officer of every parish to the Secretary of State, who shall deliver them, unopened, to the General Assembly then next to be held. The members of the General Assembly shall meet on the first Thursday after the day on which they assemble, 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 in case two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by the 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 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. 60. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of thirty years, been ten years a citizen of the United States and resident of the State for the same space of time next preceding his election, or who shall be a member of Congress or shall hold office under the United States at the time of, or within six months immediately preceding the election for such office.

Art. 61. The Governor shall enter on the discharge of his duties the first Monday next ensuing the announcement by the General Assembly of the result of the election for Governor, and shall continue in office until the Monday next succeeding the day that his successor shall have been declared duly elected and shall have taken the oath or affirmation required by this constitution.

Art. 62. In case of the impeachment of the Governor, his removal from office, death, refusal or inability to qualify, disability, 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 or the disability be removed. In the event of the removal, impeachment, death, resignation, disability or refusal to qualify of both the Governor and Lieutenant Governor, the President *pro tem*, of the Senate shall act as Governor until the disability be removed or for the residue of the term.

Art. 63. The Lieutenant Governor or 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. 64. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, but shall have only a casting vote therein. The Senate shall elect one of its members as President *pro tempore* of the Senate.

Art. 65. The Lieutenant Governor shall receive for his services a salary which shall be double that of a member of the General Assembly, and no more.

Art. 66. The Governor shall have power to grant reprieves for all offenses against the State, and, except in cases of impeachment or treason, shall, upon the recommendation in writing of the Lieutenant Governor, Attorney General and presiding judge of the court before which conviction was had, or of any two of them, have power to grant pardons, commute sentences 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 body the power of pardoning is vested.

Art. 67. The Governor shall receive a salary of four thousand dollars per annum, payable monthly on his own warrant.

Art. 68. 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 appointments or elections are not herein otherwise provided for; provided, however, that the General Assembly shall have the right to prescribe the mode of appointment or election to all offices created by it.

Art. 69. The Governor shall have the power to fill vacancies that may happen during the recess of the Senate, in cases not otherwise provided for in this constitution, by granting commissions which shall expire at the end of the next session; but no person who has been nominated for office and rejected shall be appointed to the same office during the recess of the Senate. The failure of the Governor to send into the Senate the name of any person appointed for office, as herein provided, shall be equivalent to a rejection.

Art. 70. He may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices. He shall be Commander-in-Chief of the

militia of the State, except when they shall be called into the actual service of the United States.

Art. 71. He shall from time to time give to the General Assembly information respecting the situation of the State, and recommend to its consideration such measures as he may deem expedient.

Art. 72. He shall take care that the laws be faithfully executed, and he may, on extraordinary occasions, convene the General Assembly at the seat of government, if that should have become dangerous from an enemy or from an epidemic at a different place. The power to legislate shall be limited to the objects enumerated specially in the proclamation convening such extraordinary session; therein the Governor shall also limit the time such session may continue; provided, it shall not exceed twenty days. Any legislative action had after the time so limited, or as to other objects than those enumerated in said proclamation, shall be null and void.

Art. 73. 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 house shall enter the objections at large upon the 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 likewise it shall be reconsidered, and if passed by two-thirds of the members elected to that house it shall be a law; but in such cases the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, shall prevent its return, in which case it shall not be a law.

Art. 74. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Art. 75. Every order, resolution or vote to which the concurrence of both houses may be necessary, except on a question of adjournment, or on matters of parliamentary proceedings, or an address for removal from office, 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.

Art. 76. The Treasurer, Auditor, Attorney General and Secretary of State shall be elected by the qualified electors of the State for the term of four years; and in case of any vacancy caused by death, resignation or permanent absence of either of said officers the Governor shall fill such vacancy by appointment, with the advice and consent of the Senate; provided, however, that notwithstanding such appointment, such vacancy shall be filled by election at the next election after the occurrence of the vacancy.

Art. 77. The Auditor of Public Accounts shall receive a salary of two thousand five hundred dollars per annum; the Treasurer shall receive a salary of two thousand dollars per annum; and the Secretary of State shall receive a salary of one thousand eight hundred dollars per annum. Each of the before named officers shall be paid monthly, and no fees or perquisites or other compensation shall be allowed to said officers; provided, that the Secretary of State may be allowed fees as may be provided by law for copies and certificates furnished to private persons.

Art. 78. Appropriations for the clerical expenses of the officers named in the preceding article shall specify each item of appropriations; and shall not exceed in any one year, for the Treasurer, the sum of two thousand dollars; for the Secretary of State, one thousand five hundred dollars; and for the Auditor of Public Accounts, the sum of four thousand dollars.

Art. 79. All commissions shall be in the name and by the authority of the State of Louisiana, and shall be sealed with the State seal, signed by the Governor and countersigned by the Secretary of State.

#### JUDICIARY DEPARTMENT.

Art. 80. The judicial power shall be vested in a Supreme Court, in courts of appeal, in district courts and in justices of the peace.

Art. 81. 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, or the fund to be distributed, whatever may be the amount therein claimed, shall exceed one thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board, and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture or penalty imposed by a municipal corporation shall be in contestation, whatever may be the amount thereof, and in such cases the appeal on the law and the fact shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted or a fine exceeding three hundred dollars (300) is actually imposed.

Art. 82. 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 and Associate Justices shall each receive a salary of five thousand dollars (5000) per annum, payable monthly on their own warrants. They shall be appointed by the Governor, by and with the advice and consent of the Senate.

The first Supreme Court to be organized under this constitution shall be appointed as follows: The Chief Justice for the term of twelve years; one Associate Justice for the term of ten years; one Associate Justice for the term of eight years; one for the term of six years; one for the term of four years; and the Governor shall designate in the commission of each the term for which such judge is appointed.

In case of death, resignation or removal from office of any of said judges the vacancy shall be filled by appointment for the unexpired term of such judge, and upon expiration of the term of any of said judges the office shall be filled by appointment for a term of twelve years.

They shall be citizens of the United States and of the State, over thirty-five years of age, learned in the law, and shall have practiced law in this State for ten years preceding their appointment.

Art. 83. The State shall be divided into four Supreme Court Districts, and the Supreme Court shall always be composed of judges appointed from said districts.

The parishes of Orleans, St. John the Baptist, St. Charles, St. Bernard, Plaquemines and Jefferson shall compose the First District, from which two judges shall be appointed.

The parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse, Richland, Franklin, West Carroll, East Carroll, Madison, Tensas and Catahoula shall compose the second district, from which one judge shall be appointed.

The parishes of De Soto, Red River, Winn, Grant, Natchitoches, Sabine, Vernon, Calcasieu, Cameron, Rapides, Avoyelles, Concordia, Pointe Coupee, West Baton Rouge, Iberville, St. Landry, Lafayette, and Vermilion shall compose the third district from which one judge shall be appointed.

And the parishes of St. Martin, Iberia, St. Mary, Terrebonne, Lafourche, Assumption, St. James, Ascension, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany and Washington shall compose the fourth district, from which one judge shall be appointed.

Art. 84. The Supreme Court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of May in each and every year. The General Assembly shall have power to fix sessions elsewhere during the rest of the year. Until otherwise provided the sessions shall be held as heretofore. They shall appoint their own clerks and remove them at pleasure.

Art. 85. No judgment shall be rendered by the Supreme Court without the concurrence of three judges. Whenever three members cannot concur, in consequence of the recusal of any member or members of the court, the judges not recused shall have authority to call upon any judge or judges of the district courts, whose duty it shall be, when so called upon, to sit in the place of the judge or judges recused, and to aid in the determination of the case.

Art. 86. All judges, by virtue of their office, shall be conservators of the peace through the State. The style of all process shall be, "The State of Louisiana." All prosecutions 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. 87. The judges of all courts, whenever practicable, shall refer

to the law by virtue of which every definitive judgment is rendered but in all cases they shall adduce the reasons on which their judgment is founded.

Art. 88. There shall be a reporter of the decisions of the Supreme Court, who shall report in full all the cases which he may be required to report by law or by the court. He shall publish in the reports the title, number and head notes of all cases decided, whether reported in full or not.

In all cases reported in full he shall make a brief statement of the principal points presented and authorities cited by counsel.

He shall be appointed by a majority of the court, and hold his office and be removable at their pleasure.

His salary shall be fixed by the court, and shall not exceed fifteen hundred dollars per annum, payable monthly on his own warrant.

Art. 89. 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 in cases where it may have appellate jurisdiction.

Art. 90. The Supreme Court shall have control and general supervision over all inferior courts. They shall have power to issue writs of certiorari, prohibition, mandamus, quo warranto and other remedial writs.

Art. 91. The General Assembly shall provide for appeals from the district courts to the Supreme Court upon questions of law alone, when the party or parties aggrieved desire only a review of the law.

Art. 92. Except as herein provided, no duties or functions shall ever be attached by law to the Supreme Court, courts of appeal or district courts, or the several judges thereof, but such as are judicial; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any judicial duties performed by them. No judicial powers, except as committing magistrates in criminal cases shall be conferred on any officers other than those mentioned in this title, except such as may be necessary in towns and cities, and the judicial powers of such officers shall not extend further than the cognizance of cases arising under the police regulations of towns and cities in the State.

Art. 93. The judges of all courts shall be liable to impeachment for crimes and misdemeanors. For any reasonable cause the Governor shall remove any of them on the address of two-thirds of the members elected to each house of the General Assembly. In every 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.

#### ATTORNEY GENERAL.

Art. 94. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large every four years. He shall be learned in the law, and shall have actually resided and practiced law as a licensed attorney in the State five years next preceding his election. He shall receive a salary of three thousand dollars per annum, payable monthly on his own warrant.

#### COURTS OF APPEAL.

Art. 95. The courts of appeal, except in cases hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases civil or probate when the matter in dispute or the funds to be distributed shall exceed two hundred dollars, exclusive of interest, and shall not exceed one thousand dollars, exclusive of interest.

Art. 96. The courts of appeal shall be composed of two circuit judges, who shall be elected by the two houses of the General Assembly in joint session. The first judges of the courts of appeal under this constitution shall be elected for the following terms: One judge for each court for the term of four years and one judge for the term of eight years.

They shall be learned in the law and shall have resided and practiced law in this State for six years, and shall have been actual residents of the circuit from which they shall be elected for at least two years next preceding their election.

Art. 97. The State, with the exception of the parish of Orleans, shall be divided into five circuits, from each of which two judges shall be elected. Until otherwise provided by law, the parishes of Caddo, Bossier, Webster, Bienville, De Soto, Red River, Claiborne, Union, Lincoln, Natchitoches, Sabine, Jackson, Winn and Caldwell shall compose the First Circuit.

The parishes of Ouachita, Richland, Morehouse, West Carroll, Catahoula, Franklin, Madison, East Carroll, Concordia and Tensas shall compose the Second Circuit.

The parishes of Rapides, Grant, Avoyelles, St. Landry, Vernon, Calcasieu, Cameron, Lafayette, Vermilion, St. Martin and Iberia shall compose the Third Circuit.

The parishes of East Baton Rouge, West Baton Rouge, Iberville, East Feliciana, St. Helena, Tangipahoa, Livingston, St. Tammany, Washington, Pointe Coupee and West Feliciana shall compose the Fourth Circuit.

And the parishes of St. Mary, Terrebonne, Ascension, Lafourche, Assumption, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist and St. James shall compose the Fifth Circuit.

Art. 98. The judges of the courts of appeal, until otherwise provided by law, shall hold two terms annually in each parish composing their respective circuits.

Art. 99. Until otherwise provided by law, the terms of circuit courts of appeal shall be as follows:

#### FIRST CIRCUIT.

Caddo—First Mondays in January and June.  
Bossier—Third Mondays in January and June.  
Webster—First Mondays in February and July.  
Bienville—Second Mondays in February and July.  
Claiborne—Third Mondays in February and July.  
Union—First Mondays in March and October.  
Lincoln—Second Mondays in March and October.  
Jackson—Third Mondays in March and October.  
Caldwell—Fourth Mondays in March and October.  
Winn—First Mondays in April and November.  
Natchitoches—Second Mondays in April and November.  
Sabine—Fourth Mondays in April and November.  
De Soto—First Mondays in May and December.  
Red River—Third Mondays in May and December.

#### SECOND CIRCUIT.

Ouachita—First Mondays in January and June.  
Richland—Fourth Mondays in January and June.  
Franklin—First Mondays in February and July.  
Catahoula—Second Mondays in February and July.  
Concordia—Fourth Mondays in February and July.  
Tensas—Second Mondays in March and October.  
Madison—Fourth Mondays in March and October.  
East Carroll—Second Mondays in April and November.  
West Carroll—Fourth Mondays in April and November.  
Morehouse—First Mondays in May and December.

#### THIRD CIRCUIT.

St. Landry—First Mondays in January and June.  
Avoyelles—Fourth Mondays in January and June.  
Rapides—Second Mondays in February and July.  
Grant—Fourth Mondays in February and July.  
Vernon—First Mondays in March and October.  
Calcasieu—Second Mondays in March and October.  
Cameron—Fourth Mondays in March and October.  
Vermilion—First Mondays in April and November.  
Lafayette—Second Mondays in April and November.  
Iberia—Fourth Mondays in April and November.  
St. Martin—Second Mondays in May and December.

#### FOURTH CIRCUIT.

East Baton Rouge—First Mondays in January and June.  
West Baton Rouge—Fourth Mondays in January and June.  
Livingston—First Mondays in February and July.  
Tangipahoa—Second Mondays in February and July.  
St. Tammany—Fourth Mondays in February and July.  
Washington—First Mondays in March and October.  
St. Helena—Second Mondays in March and October.  
East Feliciana—Fourth Mondays in March and October.  
West Feliciana—Second Mondays in April and November.  
Pointe Coupee—Fourth Mondays in April and November.  
Iberville—Second Mondays in May and December.

#### FIFTH CIRCUIT.

St. Mary—First Mondays in January and June.  
Terrebonne—Third Mondays in January and June.  
Assumption—First Mondays in February and July.