Documents

SOURCES OF INDIANA'S FIRST CONSTITUTION

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A large part of the first constitution of the state of Indiana was copied from earlier constitutions. The original portions constitute less than ten per cent of the entire document. The process of writing the Indiana constitution, however, was not the simple process of copying the constitutional law of another state. Nor were entire articles drawn from a single constitution as a general rule. The process was a selective one. Apparently the members of the convention had before them the constitutional law of the nation and of the states then in existence. They seem to have searched through these documents to find the sections which embodied the provisions they considered suitable for the government of the new state. Occasionally they wrote a new section when a suitable one was not found. There is no reason to suppose that they were afraid of new ideas.

The selective process resulted in a more democratic state government. This democratic tendency was revealed in the absence of property qualifications, the extension of the franchise to adult white males, representation proportioned to numbers, the prohibition of slavery and indentured servitude, the election of militia officers, and the provision for a state-wide system of education, reaching from township schools to a state university equally open to all, without tuition.

It is important to note that the constitutions of Ohio, Kentucky, Pennsylvania, and Tennessee, which were closely related to one another, contained most of the sections which were taken over by Indiana. This is interesting evidence that the states of the Ohio Valley at this time had much in common and that Pennsylvania had made a considerable contribution to them. To some degree this relationship is a measure of the influence of the southern migration into the Old Northwest and an indication of the characteristics of that influence.¹

¹This comparison of the Indiana constitution of 1816 with the earlier constitutions can be better evaluated by studying the migration of Southerners into the Old Northwest. The following articles provide the background which this brief introduction can suggest only in the briefest form: "The Southern Influence in the Formation of
The following comparison of the Indiana constitution with similar provisions of other constitutions affords ample opportunity to check these conclusions and, perhaps, to determine other interesting facts about the establishment of state government in the Hoosier commonwealth.

The text of the constitution of Indiana was taken from the manuscript copy in the Indiana State Library, Indiana History Division. A second manuscript copy is in the William Henry Smith Memorial Library of the Indiana Historical Society. A suitable printed copy is in Charles Kettleborough, *Constitution Making in Indiana* (3 vols., *Indiana Historical Collections*, Indianapolis, 1916, 1930), I, 83-125. In this copy liberties were taken in capitalization and punctuation. In respect to capitalization is might be said that it is often impossible to tell whether the copyist intended a capital or a small letter.

The texts of the other constitutions are taken from Francis N. Thorpe (comp.), *Federal and State Constitutions . . . and Other Organic Laws . . .* (7 vols., Washington, 1909).

The constitutions are arranged with the similar portions in parallel position to render comparison as easy as possible. Wherever the right-hand column is left blank, a similar provision was not found in the earlier constitutions. It is important to realize that the comparison is that of words, not meaning, the purpose being to show what parts of other constitutions were copied and not what states had similar governmental agencies or constitutional provisions. If the description of an agency was very differently expressed in the earlier constitutions, notice was not taken of it.

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The
Indiana Constitution
of 1816
Preamble

We the Representatives of the people of the Territory of Indiana, in Convention met, at Corydon, on Monday the tenth day of June in the year of our Lord eighteen hundred and sixteen, and of the Independence of the United States the Fortieth, having the right of admission into the General Government as a member of the Union, consistent with the Constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress entitled "An act to enable the people of the Indiana Territory to form a constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States" in order to establish Justice, promote the welfare, and secure the blessings of liberty to ourselves and our posterity; do ordain and establish the following constitution or form of Government, and do mutually agree with each other to form ourselves into a free and Independent State, by the name of the State of Indiana.

Article One

1. That the general, great and essential principles of liberty and free Government may be recognized and unalterably established; we declare,
That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights; among which are the enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and pursuing and obtaining happiness and safety.

2. That all power is inherent in the people; and all free Governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter, or reform their Government in such manner as they may think proper.

3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences: That no man shall be compelled to attend, erect, or support any place of worship or to maintain any ministry against his consent: That no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious Societies, or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety... (Ohio, 1802, VIII, 1; Vt., 1793, I, 1; Vt., 1786, I, 1; Vt., 1777, I, 1; Pa., 1776, 1).

That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper. (Ky., 1799, X, 2; Tenn., 1796, XI, 1; Ky., 1792, XII, 2; Pa., 1790, IX, 2). See also Va., 1776, 2 and 3.

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man of right can be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious societies or modes of worship. (Ky., 1792, XII, 3)...and no religious test shall be required, as a qualification to any office of trust or profit... (Ohio, 1802, VIII, 3). See also Ky., 1799, X, 3; Tenn,
4. That elections shall be free and equal.

5. That in all civil cases, when the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases, except in petit misdemeanors which shall be punished by fine only, not exceeding three dollars, in such manner as the Legislature may prescribe by law; the right of trial by Jury shall remain inviolate.

6. That no power of suspending the operation of the laws, shall be exercised, except by the Legislature, or its authority.

7. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

8. The rights of the people, to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated: and no warrant shall issue, but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

9. That the printing presses shall be free to every person, who undertakes to examine the proceedings of the Legislature,
or any branch of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts, and opinions, is one of the invaluable rights of man; and every Citizen may freely speak, write, and print on any Subject, being responsible for the abuse of that liberty. ... (Pa., 1790, IX, 7). See also La., 1812, VI, 21; Ohio, 1802, VIII, 6; Ky., 1799, X, 7; Tenn., 1796, XI, 19; Ky., 1792, XII, 7.

10. In prosecutions for the publication of papers investigating the official conduct of Officers, or men in a public capacity, or where the matter published is proper for the public information, the truth thereof may be given in evidence; and in all indictments for libels, the Jury shall have a right to determine the law and the facts, under the direction of the Court, as in other cases.

11. That all Courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation shall have remedy by the due course of law; and right and justice administered without denial or delay.

12. That no person arrested, or confined in Jail, shall be treated with unnecessary rigor, or be put to answer any Criminal Charge, but by presentment Indictment or impeachment. or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. ... (Pa., 1790, IX, 7). See also La., 1812, VI, 21; Ohio, 1802, VIII, 6; Ky., 1799, X, 7; Tenn., 1796, XI, 19; Ky., 1792, XII, 7.

.....In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for the public information, the truth thereof may be given in evidence; and in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases. (Ky., 1799, X, 8; Ky., 1792, XII, 8; Pa., 1790, IX, 7). See also Ohio, 1802, VIII, 6; Del., 1792, I, 5.

That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation shall have remedy by the due course of law, and right and justice administered without denial or delay. (Ohio, 1802, VIII, 7). See also Ky., 1799, X, 13; Tenn., 1796, XI, 17; Ky., 1792, XII, 13; Pa., 1790, IX, 11.

That no person arrested, or confined in jail shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment, or impeachment. (Ohio, 1802, VIII, 10).
13. That in all Criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favour, and in prosecutions by indictment, or presentment a Speedy public trial by an impartial Jury of the County or district in which the offence shall have been committed; and shall not be compelled to give evidence against himself nor shall be twice put in jeopardy for the same offence.

14. That all persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it.

15. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

16. All penalties shall be
proportioned to the nature of the offence.

17. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor, or creditors, in such manner as shall be prescribed by law.

18. No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood, nor forfeiture of estate.

19. That the people have a right to assemble together in a peaceable manner, to consult for their Common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

20. That the people have a right to bear arms for the defence of themselves, and the state;

and that the military shall be kept in strict proportioned to the nature of the offence. . . . (Ohio, 1802, VIII, 14). See also N. H., 1792, XVIII; N. H., 1784, XVIII.

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

(Ohio, 1802, VIII, 15; Tenn., 1796, XI, 18). See also Ky., 1799, X, 17; Ga., 1798, IV, 7; Vt., 1793, II, 33; Ky., 1792, XII, 17; Pa., 1790, IX, 16; Vt., 1786, II, 30; Vt., 1777, II, 25; N. C., 1776, XXXIX; Pa., 1776, XXVIII.

No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood, or forfeiture of estate. (Ohio, 1802, VIII, 16).

That the people have a right to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

(Ohio, 1802, VIII, 19). See also Ky., 1799, X, 22; Tenn., 1796, XI, 22; Vt., 1793, 20; N. H., 1792, XXXIII; Ky., 1792, XII, 12; Del., 1792, I, 16; Pa., 1790, IX, 20; Vt., 1786, I, 22; N. H., 1784, 32; Mass., 1780, 19; Vt., 1777, XVIII; N. C., 1776, XVIII; Pa., 1776, XVI.

That the people have a right to bear arms for the defence of themselves and the State; and as standing armies, in time of peace, are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict
subordination to the civil power.

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

22. That the Legislature shall not grant any title of nobility, or hereditary distinctions, nor create any office, the appointment to which, shall be for a longer term than good behaviour.

23. That emigration from the State shall not be prohibited.

24. To guard against any encroachments on the rights herein retained, we declare, that every thing in this article, is excepted out of the general powers of Government, and shall forever remain inviolable. 

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Article Two

1. The powers of Government of Indiana shall be divided into three distinct departments, and each of them be confided to a Separate body of Magis-

subordination to the civil power. (Ohio, 1802, VIII, 20).
See also Ky., 1799, X, 23-24; Vt., 1793, 16; Ky., 1792, XII, 23-24; Pa., 1790, IX, 21-22; Vt., 1786, I, 18; Vt., 1777, XV; N. C., 1776, XVII; Pa., 1776, XIII.

That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law. (Ky., 1799, X, 25; Ky., 1792, XII, 25; Pa., 1790, IX, 23). See also Ohio, 1802, VIII, 22; Tenn., 1796, XI, 27.

That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior. (Ky., 1799, X, 26; Ky., 1792, XII, 6; Pa., 1790, IX, 24). See also S. C., 1790, IX, 5.

That emigration from this State shall not be prohibited. (Ky., 1799, X, 27; Ky., 1792, XII, 27; Pa., 1790, XI, 25). See also La., 1812, VI, 22; Vt., 1793, 19; Vt., 1786, I, 21; Vt., 1777, XVII; Pa., 1776, XV.

To guard against transgressions of the high powers which we have delegated, we declare, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate. (Pa., 1790, IX, 26). See also Ky., 1799, X, 28; Ky., 1792, XII, 28.

The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magis-
tracy, to wit; those which are legislative to one, those
which are Executive to another, and those which are Judiciary
to another: and no person or collection of persons, being
of one of those departments, shall exercise any power properly
attached to either of the others, except in the instances
herein expressly permitted.

Article Three

1. The Legislative authority of this State, shall be vested
in a general Assembly; which shall consist of a Senate, and
house of Representatives, both to be elected by the people.

2. The General Assembly may, within two years after their
first meeting, and shall, in the year eighteen hundred and twenty,
and every subsequent term of five years, cause an enumeration to be made, of all
the white male inhabitants above the age of twenty one years. The

number of Representatives shall, at the several periods of making such enumeration, be fixed by
the General Assembly, and apportioned among the several counties, according to the number
of white male inhabitants, above twenty one years of age in each; and shall never be less than
twenty five, nor greater than thirty six, until the number of white male inhabitants above
twenty one years of age, shall be twenty two thousand; and after that event, at such ratio, that
the whole number of Representatives shall never be less than thirty six, nor exceed one hun-
dred,

tracy, to wit; those which are legislative to one, those
which are executive to another, and those which are judiciary
to another. No person, or collection of persons, being
of one of these departments, shall exercise any power properly
belonging to either of the others, except in the instances hereinafter expressly permitted.
(Ky., 1792, I, 1-2). See also Ky., 1799, I, 1-2.

The legislative authority of this State shall be vested
in a general assembly, which shall consist of a senate and
house of representatives, both to be elected by the people.
(Ohio, 1802, I, 1).

Within one year after the first meeting of the general assembly,
and within every subsequent term of four years, an enumeration of all
the white male inhabitants above twenty-one years of age shall be
made, in such manner as shall be directed by law. The
number of representatives shall, at the several periods of making such enumeration, be fixed by
the legislature, and apportioned among the several counties according to the number
of white male inhabitants above twenty-one years of age in each; and shall never be less than
twenty-four, nor greater than thirty-six, until the number of white male inhabitants of above
twenty-one years of age shall be twenty-two thousand; and after that event, at such ratio that
the whole number of representatives shall never be less than thirty-six, nor exceed seventy-
two. (Ohio, 1802, I, 2).
3. The Representatives shall be chosen annually, by the qualified electors of each County respectively, on the first Monday of August.

4. No person shall be a Representative, unless he shall have attained the age of twenty one years, and shall be a Citizen of the United States, and an inhabitant of this state, and shall also have resided within the limits of the County, in which he shall be chosen, one year next preceding his election; if the County shall have been so long erected, but if not, then within the limits of the County or Counties out of which it shall have been taken; unless he shall have been absent on the public business of the United States, or of this state and shall have paid a State or County tax.

5. The Senators shall be chosen for three years, on the first Monday in August, by the qualified voters for Representatives; and on their being convened, in consequence of the first election, they shall be divided by lot, from their respective Counties, or districts, as near as can be, in to three classes; the seats of the senators of the first class shall be vacated at the expiration of the first year; and the second class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one third thereof, as near as possible, may be annually chosen forever thereafter.

The representatives shall be chosen annually, by the qualified electors of each county respectively, on the first Tuesday in May; but the several elections may be continued for three days, if, in the opinion of the presiding officer or officers, it shall be necessary, and no longer. (Ky., 1792, I, 4). See also Ohio, 1802, I, 3.

No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States and an inhabitant of this State; shall also have resided within the limits of the county in which he shall be chosen one year next preceding his election, unless he shall have been absent on the public business of the United States or of this State, and shall have paid a State or county tax. (Ohio, 1802, I, 4).

The senators shall be chosen biennially, by qualified voters for representatives; and, on their being convened in consequence of the first election, they shall be divided by lot, from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class, at the expiration of the second year; so that one-half thereof, as near as possible, may be annually chosen forever thereafter.
6. The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the General Assembly, and apportioned among the several Counties or districts, to be established by law, according to the number of white male inhabitants of the age of twenty one years in each, and shall never be less than one third, nor more than one half of the number of Representatives.

7. No person shall be a Senator, unless he shall have attained the age of twenty five years, and shall be a Citizen of the United States, and shall, next preceding the election, have resided two years in the state, the last twelve months of which, in the County or district in which he may be elected; if the county or district shall have been so long erected, but if not, then within the limits of the County, or Counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States, or of this State, and shall moreover have paid a State of County tax.

8. The house of Representatives, when assembled, shall choose a Speaker, and its other officers, and the Senate shall choose its officers, except the president, and each shall be Judges of the qualifications and elections of its members; and sit upon its own adjournments. Two thirds (Ohio, 1802, I, 5).

The numbers of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the several counties or districts to be established by law according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half, of the number of representatives. (Ohio, 1802, I, 6).

No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States or of this State, and shall, moreover, have paid a State or county tax. (Ohio, 1802, I, 7). See also Ohio, 1802, I, 6, given supra 6.

The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members, and sit upon its own adjournments; two-thirds
of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

9. Each house shall keep a Journal of its proceedings, and publish them; The yeas and nays of the members, on any question, shall at the request of any two of them, be entered on the Journals.

10. Any one member of either house, shall have liberty to dissent from, and protest against any act or resolution, which he may think injurious to the public, or any individual or individuals, and have the reason of his dissent entered on the Journals.

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

12. When vacancies happen in either branch of the General Assembly, the Governor, or the person exercising the power of Governor, shall issue writs of election to fill such vacancies.

13. Senators and Representatives shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest, during the Session of the General Assembly, and in going to, and returning from the same; and for any Speech or de-
bate in either house, they shall not be questioned in any other place.

14. Each house may punish, by imprisonment, during their Session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly, or contemptuous behaviour in their presence; provided, such imprisonment shall not, at any one time, exceed twenty four hours.

15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the House, may require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

17. Every bill shall be read on three different days in each house, unless, in case of urgency, two thirds of the house, where such bill may be depending, shall deem it expedient to dispense with this rule, and every bill, having passed both houses, shall be signed by the president and Speaker of their respective houses.

18. The Style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Indiana."

19. All bills for raising revenue, Shall originate in the house of Representatives,
20. No person, holding any office under the authority of the President of the United States, or of this State, Militia officers excepted, shall be eligible to a seat in either branch of the General Assembly; unless he resign his office, previous to his election; nor shall any member of either branch of the General Assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the General Assembly: Provided that nothing, in this Constitution, shall be so construed, as to prevent any member of the first Session of the first General Assembly from accepting any office, that is created by this Constitution, or the Constitution of the United States, and the salaries of which are established.

21. No money Shall be drawn from the Treasury, but in consequence of appropriations made by law.

22. An accurate Statement of the receipts and expenditures of the public money shall be attached to, and published with the laws, at every annual Session of the General Assembly.

23. The house of Representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in such impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted but the Senate may amend or reject, as in other bills.

No money shall be drawn from the treasury but in consequence of appropriations made by law. (Ohio, 1802, I, 21; Tenn., 1796, I, 21; Pa., 1790, I, 21).

An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws annually. (Ohio, 1802, I, 22).

The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted
without the concurrence of a majority of all the senators elected.

24. The Governor, and all civil officers of the State, shall be removed from Office, on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors; but Judgment in such cases shall not extend further than removal from Office, and disqualification to hold any office of honor, profit, or trust, under this State. The party, whether convicted or acquitted shall, nevertheless, be liable to indictment[,] trial, judgment, and punishment, according to law.

25. The first session of the General Assembly shall commence on the first Monday of November next, and forever after, the General Assembly shall meet on the first Monday in December, in every year, and at no other period, unless directed by law, or provided for by this Constitution.

26. No person, who hereafter may be a collector, or holder of public money, shall have a seat in either house of the General Assembly, until such person shall have accounted for, and paid into the Treasury all sums for which he may be accountable.

Article Four

1. The Supreme Executive power of this state shall be vested in a Governor,

who shall be styled, the Governor of the State of Indiana.

without the concurrence of two-thirds of all the senators. (Ohio, 1802, I, 23).

The governor, and all other civil officers under this State, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from Office and disqualification to hold any office of honor, profit, or trust under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law. (Ohio, 1802, I, 24). See also Del., 1792, V, 2.

The first session of the general assembly shall commence on the first Tuesday of March next; and forever thereafter the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law, or provided for by this constitution. (Ohio, 1802, I, 25). See also Tenn., 1796, I, 6.

No person who heretofore hath been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the general assembly until such person shall have accounted for and paid into the treasury all sums for which he may be accountable or liable. (Ohio, 1802, I, 28; Tenn., 1796, I, 22; N. C., 1776, XXV).

The supreme executive power of this State shall be vested in a governor. (Ohio, 1802, II, 1; Tenn., 1796, II, 1). ...who shall be styled the Governor of the State of Louisiana. (La., 1812, III, 1).
2. The Governor shall be chosen by the qualified electors, on the first Monday in August, at the places where they shall respectively vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the General Assembly: The person having the highest number of votes shall be governor, but if two or more shall be equal, and highest in votes, one of them shall be chosen Governor, by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

3. The Governor shall hold his office during three years, from and after the third day of the first session of the General Assembly, next ensuing his election, and until a successor shall be chosen and qualified, and shall not be capable of holding it longer than six years in any term of nine years.

4. He shall be at least thirty years of age, and shall have been a citizen of the United States ten years, and have resided in the State five years next preceding his Election;

unless he shall have been absent on the business of the See also Ky., 1799, III, 1.

The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee, to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law. (Pa., 1790, II, 2). See also Ohio, 1802, II, 2; Tenn., 1796, II, 2.

The governor shall hold his office during three years from the third Tuesday of December next ensuing his election, and shall not be capable of holding it longer than nine in any term of twelve years. (Pa., 1790, II, 3).

....He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this State four years next preceding his election. (Ohio, 1802, II, 3).

....unless he shall have been absent on the public business
State, or of the United States; provided that this shall not disqualify any person from the office of Governor, who shall be a citizen of the United States, and shall have resided in the Indiana Territory two years next preceding the adoption of this Constitution.

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

6. 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.

7. 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, but he shall not command personally in the field, unless he shall be advised so to do, by a resolution of the General Assembly.

8. He shall nominate, and, by and with the advice and consent of the Senate, appoint and commission all officers, the appointment of which is not of the United States or of this State. (Tenn., 1796, II, 3; Ky., 1792, II, 4; Del., 1792, III, 4; Pa., 1790, II, 4).

No member of Congress, or person holding any office under the United States, or this State, shall exercise the office of Governor. (Ky., 1792, II, 5; Del., 1792, III, 5; Pa., 1790, II, 5). See also Ohio, 1802, II, 13; Tenn., 1796, II, 13.

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. (Ohio, 1802, II, 6; Ky., 1799, III, 7; La., 1812, III, 7). See also Tenn., 1796, II, 7; Ky., 1792, II, 6; Del., 1792, III, 6; S. C., 1790, II, 10; Pa., 1790, II, 6; Ga., 1789, II, 5; U. S., II, 1.

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, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general assembly. (La., 1812, III, 8). See also Ohio, 1802, II, 10; Ky., 1799, III, 8; Tenn., 1796, II, 5; Ky., 1792, II, 7; Del., 1792, II, 7; S. C., 1790, II, 6; Pa., 1790, II, 7.

He shall nominate, and, by and with the advice and consent of the senate, appoint all officers whose offices are established by this
otherwise directed by this Constitution, and all offices which may be created by the General Assembly, shall be filled in such manner as may be directed by law.

9. Vacancies that may happen in offices, the appointment of which is vested in the Governor, and Senate, or in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting Commissions that shall expire at the end of the next session.

10. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachments.

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

12. He shall, from time to time, give to the General Assembly information of the affairs of the State, and recommend to their consideration, such measures as he shall deem expedient.

constitution or shall be established by law, and whose appointments are not herein otherwise provided for. . . . (Ky., 1799, III, 9; Ky., 1792, II, 8). See also U. S., II, 2.

The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session. (Ky., 1799, III, 10; Ky., 1792, II, 9). See also La., 1812, III, 10; U. S., II, 2.

He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment. (Pa., 1790, II, 9). See also Ky., 1799, III, 11; Ky., 1792, II, 20; Del., 1792, III, 9; Ohio, 1802, I, 5; Tenn., 1796, II, 6.

He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices. (La., 1812, III, 12; Ky., 1799, III, 12; Tenn., 1796, II, 8; Ky., 1792, II, 11; Del., 1792, III, 10; Pa., 1790, II, 10). See also Ohio, 1802, II, 7; U. S., II, 2.

He shall from time to time give to the general assembly information of affairs concerning the State, and recommend to their consideration such measures as he shall judge expedient. (Del., 1792, III, 11). See also U. S., II, 3; La., 1812, III, 13; Ohio, 1802, II, 4; Ky., 1799, III, 13; Ga., 1798, II, 8; Tenn., 1796, II,
13. He may, in extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders, and in case of a disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the time of their next annual Session.

14. He shall take care that the laws be faithfully executed.

15. A Lieutenant Governor shall be chosen at every election for Governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor, and Lieutenant Governor, the electors shall distinguish whom they vote for as Governor, and whom, as Lieutenant Governor.

16. He shall, by virtue of his office, be President of the senate, have a right, when in Committee of the whole, to debate and vote on all subjects, and when the senate are equally divided, to give the casting vote.

17. In case of impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the
Lieutenant Governor shall exercise all the powers and authority appertaining to the office of Governor, until another be duly qualified, or the Governor absent, or impeached, shall return, or be acquitted.

18. Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the senate, the senate shall elect one of their own members as president for that occasion. And if during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the President of the Senate pro tem, shall in like manner administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor, while he acts as president of the senate, 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; and during the time he administers the Government, as Governor, shall receive the same compensation which the governor would have received, and been entitled to, had he been employed in the duties of his office, and no more.

19. The President pro tempore of the Senate, during the time he administers the Government, shall receive in like manner, the same compensation, lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor absent or impeached shall return or be acquitted. (Ky., 1799, III, 18). See also S. C., 1790, II, 5; Mass., 1780, II, II, 3; N. Y., 1777, XX.

Whenever the government shall be administered by the lieutenant-governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker, for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the speaker of the senate shall, in like manner, administer the government.

The lieutenant-governor, while he acts as speaker to the senate, 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; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to had he been employed in the duties of his office. (Ky., 1799, III, 19-20). See also N. Y., 1777, XXI.

The speaker pro tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation
which the Governor would have received, had he been employed in the duties of his office, and no more.

20. If the Lieutenant Governor shall be called upon to administer the Government, and shall, while in such administration, resign, die, or be absent from the State, during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being, to convene the Senate for the purpose of choosing a president pro tempore.

21. A Secretary of State shall be chosen by the joint ballot of both houses of the General Assembly, and be commissioned by the Governor for four years, or until a new Secretary be chosen and qualified. He shall keep a fair register, and attest all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto, before either house of the General Assembly, and shall perform such other duties as may be enjoined him by law.

22. Every bill, which shall have passed both houses of the General Assembly, shall be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large upon which the governor would have received had he been employed in the duties of his office. (Ky., 1799, III, 21). See also La., 1812, III, 18.

If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the State during the recess of the general assembly, it shall be the duty of the secretary for the time being to convene the senate for the purpose of choosing a speaker. (Ky., 1799, III, 22).

A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well.

He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law. (Ky., 1799, III, 24). See also La., 1812, III, 19; Ohio, 1802, II, 16; Tenn., 1796, II, 7; Ky., 1792, II, 17; Del., 1792, III, 15; Pa., 1790, II, 15.

Every bill which shall have passed both houses shall be presented to the governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon
their Journals and proceed to reconsider it; if after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall like wise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law: but, in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for, and against the bill, shall be entered on the Journals of each house respectively. If any bill shall not be returned by the Governor, within five 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 adjournment prevents its return; in which case it shall be a law, unless sent back within three days after their next meeting.

23. Every resolution, to which the concurrence of both houses may be necessary, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.
24. There shall be elected, by joint ballot of both houses of the General Assembly, a Treasurer, and Auditor, whose powers and duties shall be prescribed by law, and who shall hold their offices three years, and until their successors be appointed and qualified.

25. There shall be elected in each County, by the qualified electors thereof, one Sheriff, and one Coroner, at the times and places of holding elections for members of the General Assembly: They shall continue in office two years, and until successors shall be chosen and duly qualified: provided that no person shall be eligible to the office of Sheriff more than four years in any term of six years.

26. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called, the seal of the State of Indiana.

Article Five

1. The Judiciary power of this State, both as to matters of law and equity, shall be vested in one Supreme Court, in Circuit Courts, and in such other inferior Courts, as the General Assembly may, from time to time, direct and establish.

2. The Supreme Court shall consist of three Judges, any

H., 1792, XLV; Ky., 1792, I, 29; Pa., 1790, I, 23; Ga., 1789 II, 11; U. S., I, 7.

There shall be elected in each county one sheriff and one coroner, by the citizens thereof who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified: Provided, That no person shall be eligible as sheriff for a longer term than four years in any term of six years. (Ohio, 1802, VI, 1).

There shall be a seal of this State, which shall be kept by the governor, and used by him officially, and shall be called "The Great Seal of the State of Ohio." (Ohio, 1802, II, 14; Tenn., 1796, II, 15).

The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish. (Ohio, 1802, III, 1). See also U. S., III, 1.

The supreme court shall consist of three judges, any
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two of whom shall form a quorum, and shall
have appellate Jurisdiction
only which shall be co-extensive with the limits of the
State, under such restrictions, and regulations, not repugnant
to this Constitution, as may from time to time be prescribed
by law. Provided nothing in
this article shall be so con-
strued, as to prevent the Gen-
eral Assembly from giving the
Supreme Court, original Juris-
diction in Capital cases, and
cases in chancery, where the
President of the Circuit Court,
may be interested or prejudiced.

3. The Circuit Courts
shall each consist of
a President, and two associate
Judges. The State shall be
divided by law, into three cir-
cuits, for each of which, a
President shall be appointed,
who during his
continuance in office, shall
reside therein.

The President and associate
Judges in their respective
Counties,
shall have Common
law and chancery Jurisdiction, as also complete Criminal
Jurisdiction, in all such cases
and in such manner, as may be
prescribed by law. The Presi-
dent alone, in the absence of
the associate Judges, or the
President and one of the asso-
ciate Judges, in the absence
of the other, shall be com-
tent to hold a Court, as also
the two associate Judges, in

The several courts of
common pleas shall consist of
a president and associate
judges. The State shall be
divided by law into three cir-
cuits; there shall be appointed
in each circuit a president of
the courts, who, during his
continuance in office, shall
reside therein. There shall
be appointed in each county,
not more than three nor less
than two associate judges, who,
during their continuance in
office, shall reside therein.
The president and associate
judges, in their respective
counties, any three of whom
shall be a quorum, shall com-
pose the court of common pleas,
which court shall have common-
law and chancery jurisdiction

in all such cases
as shall be
directed by law:
the absence of the President, shall be competent to hold a court, except in capital cases, and cases in chancery, provided that nothing herein contained, shall prevent the General Assembly from increasing the number of circuits, and Presidents, as the exigencies of the State may from time to time require.

4. The Judges of the Supreme Court, the Circuit, and other inferior Courts,

shall hold their offices during the term of seven years, if they shall so long behave well,

and shall at stated times receive for their services, a compensation which shall not be diminished, during their Continuance in office.

5. The Judges of the Supreme Court shall by virtue of their offices, be conservators of the peace throughout the State, as also the Presidents of the Circuit Courts,

in their respective Circuits, and the associate Judges

in their respective Counties.

6. The Supreme Court shall

Provided, That nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents after the term of five years. (Ohio, 1802, III, 3).

The judges of the supreme court, the presidents, and the associate judges of the courts of common pleas shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court, and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this State or the United States. (Ohio, 1802, III, 8).

The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the State. The presidents of the courts of common pleas shall, by virtue of their offices, be conservators of the peace in their respective circuits, and the judges of the court of common pleas shall, by virtue of their offices, be conservators of the peace in their respective counties. (Ohio, 1802, III, 7).

The supreme court shall
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hold its sessions at the seat of Government, at such times as shall be prescribed by law: and the circuit Courts shall be held in the respective Counties as may be directed by law.

7. The Judges of the Supreme Court shall be appointed by the Governor, by and with the advice, and consent of the senate. The Presidents of the Circuit Courts shall be appointed by Joint Ballot of both branches of the General Assembly, and the associate Judges of the Circuit Courts, shall be elected by the qualified electors in the respective Counties.

8. The Supreme Court shall appoint its own Clerk, and the clerks of the Circuit Court, in the several Counties, shall be elected by the qualified electors, in the several Counties, but no person shall be eligible to the office of Clerk of the Circuit Court in any County, unless he shall first have obtained, from one or more of the Judges of the Supreme Court, or from one or more of the Presidents of the Circuit Courts, a certificate that he is qualified to execute the duties of the office of Clerk of the Circuit Court; provided that nothing herein Contained shall prevent the Circuit Courts in each County, from appointing a Clerk pro tem., until a qualified Clerk may be duly elected, and provided also, that the said Clerks respectively when qualified, and elected, shall hold their offices seven years, and no be held once a year in each county;

and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law. (Ohio, 1802, III, 10).

The judges of the supreme court,

the presidents, and the associate judges of the courts of common pleas shall be appointed by a joint ballot of both houses of the general assembly .... (Ohio, 1802, III, 8).

Each court shall appoint its own clerk, for the term of seven years;

but no person shall be appointed clerk, except pro tempore, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court that they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself..... (Ohio, 1802, III, 9). See also Ky., 1799, IV, 10; Ky., 1792, VI, 5.
longer, unless reappointed.

9. All Clerks shall be removable by impeachment as in other cases.

10. When any vacancies happen in any of the Courts occasioned by the death, resignation, or removal from office of any Judge of the Supreme, or Circuit Courts, or any of the clerks of the said Courts, a successor shall be appointed in the same manner, as herein before prescribed, who shall hold his office, for the period which his predecessor had to serve, and no longer unless reappointed.

11. The Style of all process shall be "The State of Indiana" all prosecutions shall be carried on in the name and by the authority of the State of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

12. A competent number of Justices of the peace shall be elected by the qualified electors in each Township, in the several Counties, and shall continue in office five years, if they shall so long behave well, whose powers, and duties shall, from time to time, be regulated and defined by law.

Article Six

1. In all elections, not otherwise provided for by this constitution, every white male Citizen of the United States, of the age of twenty one years and upwards, who has resided in the State, one year imme-

The style of all process shall be "The State of Ohio," and all prosecutions shall be carried on in the name and by the authority of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the same." (Ohio, 1802, III, 12). See also La., 1812, IV, 6; Ky., 1799, IV, 4; Ky., 1792, V, 7; Del., 1792, VI, 21; S. C., 1790, III, 2; Pa., 1790, V, 12; Vt., 1777, II, 24.

A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law. (Ohio, 1802, III, 11).

In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State one year next
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Immediately preceding such election, be entitled to vote in the County where he resides; except such as shall be enlisted in the armies of the United States or their Allies.

2. All elections shall be by ballot: provided that the General Assembly may, if they deem it more expedient at their Session in eighteen hundred and twenty one, Change the mode so as to vote viva voce, after which time it shall remain unalterable.

3. Electors shall in all cases, except treason, felony, or breach of the peace, be free from arrest, in going to, during their attendance at, and in returning home from elections.

4. The General Assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous Crime.

5. Nothing in this article shall be so construed, as to prevent citizens of the United States, who were actual residents at the time of adopting this constitution, and who, by the existing laws of this Territory, are entitled preceding the election, and who have paid, or are charged with, a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election. (Ohio, 1802, IV, 1). See also La., 1812, II, 8; Ky., 1799, II, 8.

All elections shall be by ballot. (Ohio, 1802, IV, 2; Tenn., 1796, III, 3; Ky., 1792, III, 2; Pa., 1790, III, 2; Ga., 1789, IV, 2). See also N. Y., 1777, VI.

4. The General Assembly shall have full power to exclude from electing, or being elected, any person convicted of any infamous Crime.

5. Nothing in this article shall be so construed, as to prevent citizens of the United States, who were actual residents at the time of adopting this constitution, and who, by the existing laws of this Territory, are entitled preceding the election, and who have paid, or are charged with, a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election. (Ohio, 1802, IV, 1). See also La., 1812, II, 8; Ky., 1799, II, 8.

All elections shall be by ballot. (Ohio, 1802, IV, 2; Tenn., 1796, III, 3; Ky., 1792, III, 2; Pa., 1790, III, 2; Ga., 1789, IV, 2). See also N. Y., 1777, VI.

Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. (Ohio, 1802, IV, 3). See also La., 1812, II, 8; Ky., 1798, II, 8; Tenn., 1796, III, 2; Ky., 1792, III, 2; Del., 1792, IV, 2; Pa., 1790, III, 3.

The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury, or any other infamous crime. (Ohio, 1802, IV, 4).

Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the State,
to vote or persons who have been absent from home on a visit, or necessary business, from the privilege of electors.

Article Seven

1. The Militia of the State of Indiana shall consist of all free able bodied male persons; Negroes Mulattoes and Indians excepted, resident in said State, between the ages of eighteen, and forty five years, except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State; and shall be armed, equipped, and trained, as the General Assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do Militia duty; provided such person or persons shall pay an equivalent for such exemption; which equivalent shall be collected annually, by a civil officer, and be hereafter fixed by law, and shall be equal as near as may be, to the lowest fines assessed on those privates in the Militia, who may neglect or refuse to perform militia duty.

3. Captains and subalterns shall be elected by those persons in their respective Company districts, who are subject to perform Militia duty,

and the Captain of each company shall appoint the non-commissioned officers to said company.

4. Majors shall be elected by those persons within the bounds of their respective Battalion from having the right of an elector. (Ohio, 1802, IV, 5).

The freemen of this commonwealth (negroes, mulattoes, and Indians excepted)

shall be armed and disciplined for its defence. (Ky., 1799, III, 28). See also Ky., 1792, VI, 2.

... Those who conscientiously scruple to bear arms shall not be compelled to do so,

but shall pay an equivalent for personal service. (Ky., 1799, III, 28; Ky., 1792, VI, 2; Pa., 1790, VI, 2.)

Captains and subalterns in the militia shall be elected by those persons in their respective company-districts subject to military duty. (Ohio, 1802, V, 1).

See also Tenn., 1796, VII, 1.

... and the captains and subalterns shall appoint their non-commissioned officers and musicians. (Ohio, 1802, V, 6).

All field-officers of the militia shall be elected by those citizens in their respective counties
districts, subject to perform militia duty, and Colonels shall be elected by those persons within the bounds of their respective Regimental districts, subject to perform militia duty.

5. Brigadier Generals shall be elected by the commissioned officers within the bounds of their respective brigades, and

Major Generals shall be elected by the Commissioned officers within the bounds of their respective Divisions.

6. Troops and squadrons of Cavalry, and companies of Artillery, riflemen, grenadiers, or light infantry, may be formed in the said State, in such manner as shall be prescribed by law: provided however, That every troop or squadron of Cavalry, company of Artillery, riflemen, grenadiers, or light infantry which may hereafter be formed within the said State, shall elect their own officers.

7. The Governor shall appoint the adjutant general and quarter master generals, as also his aids de camp.

8. Major Generals shall appoint their aids de camp, and all other Division Staff officers; Brigadier Generals shall appoint their Brigade Majors, and all other Brigade Staff officers;

and Colonels shall appoint their Regimental Staff officers.

9. All Militia officers who are subject to military duty. (Tenn., 1796, VII, 2).

Brigadiers-general shall be elected by the commissioned officers of their respective brigades. (Ohio, 1802, V, 4). See also Tenn., 1796, VII, 3.

Majors-general shall be elected by the brigadiers and field-officers of the respective divisions. (Tenn., 1796, VII, 4).

The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps. . . . (Ohio, 1802, V, 7). See also Tenn., 1796, VII, 6.

The governor shall appoint the adjutant-general. . . . (Tenn., 1796, VII, 5). See also Ohio, 1802, V, 6; Mass., 1780, II, VII.

. . . The majors-general shall appoint their aids and other staff officers; the brigadiers-general shall appoint their brigade-majors and other brigade-staff officers. . . . (Ohio, 1802, V, 6). See also Tenn., 1796, VII, 5.

. . . . The colonels shall appoint their regimental staff. . . . (Ohio, 1802, V, 7).

See N. Y., 1777,
shall be commissioned by the Governor, and shall hold their Commissions during good behavior, or until they arrive at the age of sixty years.

10. The General Assembly shall, by law, fix the method of dividing the militia of the said State, into Divisions, Brigades, Regiments, Battalions and Companies, and shall also fix the rank of all staff officers.

Article Eight

1. Every twelfth year, after this constitution shall have taken effect, at the general election held for Governor there shall be a poll opened, in which the qualified Electors of the State shall express, by vote, whether they are in favor of calling a convention, or not, and if there should be a majority of all the votes given at such election, in favor of a convention, the Governor shall inform the next General Assembly thereof, whose duty it shall be to provide, by law, for the election of the members to the Convention, the number thereof, and the time and place of their meeting; which law shall not be passed unless agreed to by a majority of all the members elected to both branches of the General Assembly, and which convention, when met, shall have it in their power to revise, amend, or change the constitution. But, as the holding any part of the human Creation in slavery, or involuntary servitude, can only originate in usurpation and tyranny, no alteration of this constitution shall ever take place so as to introduce slavery or invol-
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untary servitude in this State, otherwise than for the punish-ment of crimes, whereof the party shall have been duly con-victed.

Article Nine

1. Knowledge and learning generally diffused, through a community, being essential to the preservation of a free Government, and spreading the opportunities, and advantages of education through the various parts of the Country, being highly conducive to this end, it shall be the duty of the General Assembly to provide, by law, for the improvement of such lands as are, or hereafter may be granted, by the United States to this State, for the use of Schools, and to apply any funds which may be raised from such lands, or from any other quarters to the accomplishment of the grand object for which they are or may be intend-ed. But no lands granted for the use of schools or seminaries of learning shall be sold by authority of this State, prior to the year Eighteen hundred and twenty; and the monies which may be raised out of the sale of any such lands, or otherwise obtained for the purposes aforesaid, shall be and remain a fund for the ex-clusive purpose of promoting the interest of Literature, and the sciences, and for the support of seminaries and pub-lic schools. The General Assembly shall from, time to time, pass such laws as shall be calculated to encourage intellectual, Scientific, and agricultural improvements, by allowing rewards and immu-untary servitude into this State. (Ohio, 1802, VII, 5). . . . otherwise than in the punish-ment of crimes whereof the party shall have been duly con-victed. . . . (Northwest Ordinance, 1787, VI).

Knowledge, and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and the magistrates, in all future periods of this government to cherish the interest of literature and the sciences, and all seminaries and pub-lic schools, to encourage private and public institu-tions, rewards and immu-
nities for the promotion and improvement of arts, sciences, commerce, manufactures, and natural History;
and to countenance and encourage the principles of Humanity, honesty, industry, and morality.

2. It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all.

3. And for the promotion of such salutary end, the money which shall be paid, as an equivalent, by persons exempt from militia duty except, in times of war, shall be exclusively, and in equal proportion, applied to the support of County seminaries; also all fines assessed for any breach of the penal laws, shall be applied to said seminaries, in the Counties wherein they shall be assessed.

4. It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal Code, founded on the principles of reformation, and not of vindictive Justice: and also to provide one or more farms to be an asylum for those persons, who by reason of age, infirmity, or other misfortunes, may have a claim upon the aid and bene-
fidence of society; on such principles, that such persons may, therein, find employment, and every reasonable comfort and loose by their usefulness, the degrading sense of dependence.

5. The General Assembly, at the time they lay off a new County, shall cause, at least, ten percent to be reserved out of the proceeds of the sale of town lots, in the seat of Justice of such county, for the use of a public library for such County, and, at the same session, they shall incorporate a library company, under such rules and regulations as will best secure its permanence, and extend its benefits.

Article Ten

1. There shall not be established or incorporated, in this State, any Bank or Banking Company or monied institution, for the purpose of issuing bills of Credit, or bills payable to order or bearer; Provided that nothing herein contained shall be so construed as to prevent the General Assembly from establishing a State Bank, and branches, not exceeding one branch for any three Counties, and be established at such place, within such Counties, as the directors of the State Bank may select; provided there be subscribed, and paid in specie, on the part of individuals, a sum equal to thirty thousand dollars: provided also, That the Bank of Vincennes, and the Farmers and Mechanics Bank of Indiana, at Madison, shall be considered as incorporated Banks, according to the true tenor of the charters granted to said Banks,
by the Legislature of the Indiana Territory: provided that nothing herein contained shall be so construed, as to prevent the General Assembly from adopting either of the aforesaid Banks as the State Bank: and in case either of them shall be adopted as the State Bank, the other may become a branch, under the rules and regulations herein before prescribed.

Article Eleven

1. Every person who shall be chosen, or appointed to any office of trust or profit, under the authority of this State, shall, before entering on the duties of said office, take an oath or affirmation, before any person lawfully authorized to administer oaths, to support the constitution of the United States, and the constitution of this State, and also an oath of office.

2. Treason against this State shall consist only in levying war against it, in adhering to its enemies, or giving them aid and Comfort.

3. 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.

4. The manner of administering an oath, or affirmation, shall be such as is most con-

Every person who shall be chosen or appointed to any office of trust or profit under the authority of the State shall, before the entering on the execution thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office. (Ohio, 1802, VII, 1). See also Tenn., 1796, IX, 1.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. . . . (United States, III, 3). See also La., 1812, VI, 2; Ky., 1799, VI, 2; Ky., 1792, VIII, 1; Del., 1792, V, 3.

. . . 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. (La., 1812, VI, 2; Ky., 1799, VI, 2). See also Ky., 1792, VIII, 1; Del., 1792, V, 3; U. S., III, 8.

The manner of administering an oath or affirmation shall be such as is most con-
sistent with the conscience of the deponent, and shall be esteemed the most solemn appeal to God.

5. Every person shall be disqualified from serving as Governor, Lieutenant Governor, Senator, or Representative, for the term for which he shall have been elected, who shall have been convicted of having given, or offered, any bribe, treat, or reward to procure his election.

6. All officers shall reside within the State; and all District, County, or town officers, within their respective Districts, Counties or towns, (the trustees of the town of Clarksville excepted) and Shall Keep their respective offices at such places therein, as may be directed by law; and all Militia officers shall reside within the bounds of the division, Brigade, Regiment, Battalion or company to which they may severally belong.

7. There shall be neither Slavery nor involuntary Servitude in this State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.
Nor shall any indenture of any Negro or Mulatto hereafter made, and executed out of the bounds of this State be of any Validity within the State.

8. No act of the General assembly Shall be in force until it shall have been published in print, unless in cases of emergency.

9. All commissions shall be in the name, and by the authority of the State of Indiana; and sealed with the State Seal, and Signed by the Governor and attested by the secretary of State.

10. There shall be elected in each county a Recorder, who shall hold his office during the term of seven years, if he shall so long behave well: provided that nothing herein contained shall prevent the clerks of the circuit Courts from holding the office of recorder.

11. Corydon, in Harrison County shall be the Seat of Government of the State of Indiana, until the year eighteen hundred and twenty five, and until removed by law.

12. The General Assembly, when they lay off any new county, shall not reduce the old county, or counties, from which the same
dition of a bona-fide consideration, received, or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or, if made in the State, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships. (Ohio, 1802, VIII, 2).

All commissions shall be in the name and by the authority of the State of Kentucky, and sealed with the State seal, and signed by the governor. (Ky., 1799, IV, 11; La., 1812, IV, 8). See also Ohio, 1802, II, 15; Ky., 1792, VI, 6; Pa., 1790, VI, 4; Tenn., 1796, II, 16.

Chillicothe shall be the seat of government until the year one thousand eight hundred and eight... (Ohio, 1802, VII, 4). See also Tenn., 1796, X, 1; La., 1812, VI, 24; Ky., 1799, VIII, 1.

No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it
shall be taken to a less content than four hundred square miles.

13. No person shall hold more than one lucrative office at the same time, except as in this constitution is expressly permitted.

14. No person shall be appointed as a County officer, within any county, Who shall not have been a citizen and an inhabitant therein one year next preceding his appointment; if the county shall have been so long erected, but if the county shall not have been so long erected, then within the limits of the county or counties, out of which it shall have been taken.

15. All town, and township officers shall be appointed in such manner as shall be directed by law.

16. The following officers of Government shall not be allowed greater annual salaries, until the year eighteen hundred and nineteen than as follows. The Governor one thousand dollars,

the Secretary of State four hundred dollars, the Auditor of public accounts four hundred dollars, the Treasurer four hundred dollars The Judges of the Supreme court eight hundred shall be taken, to less contents than four hundred square miles.... (Ohio, 1802, VII, 3).

That no person in the State shall hold more than one lucrative office, at any one time.... (N. C., 1776, XXXV). See also Tenn., 1798, I, 23.

No person shall be appointed to any office within any county who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. (Ohio, 1802, I, 27).

See also Ky., 1799, III, 9; Ky., 1792, II, 8; Pa., 1790, II, 8.

All town and township officers shall be chosen annually, by the inhabitants thereof duly qualified to vote for members of the assembly, at such time and place as may be directed by law. (Ohio, 1802, VI, 3).

The legislature of this State shall not allow the following officers of government greater annual salaries than as follows until the year one thousand eight hundred and eight, to wit: The governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars;
dollars each—the Presidents of the Circuit Courts eight hun-
dred dollars each, and the Mem-
ers of the General assembly, not exceeding two dollars per day each, during their attendance on the same, and two dollars for every twenty five miles, they shall severally travel on the most usual route, in going to, and returning from the General assembly; after which time their pay shall be regulated by law. But no law, passed to increase the pay of the members of the General Assembly, shall take effect, until after the close of the Session at which such law shall have been passed.

17. In order that the bound-
aries of the State of Indiana may more certainly be known & established; It is hereby or-
dained and declared, that the following shall be, and forever remain the boundaries of the said state; to wit, Bounded on the east by the meridian line which forms the western bound-
ary of the State of Ohio, On the South by the Ohio river, from the mouth of the great Miami river, to the mouth of the river Wabash; On the West by a line drawn along the middle of the Wabash river from its mouth to a point, where a due north line drawn from the town of Vincennes, would last touch the northwestern shore of the said Wabash River; and from thence by a due north line until the Same Shall intersect an east and west line drawn through a point ten miles north of the Southern extreme of lake Michi-
gan; On the north by the said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

See Ohio, 1802, VII, 6; Ga., 1798, I, 23; Tenn., 1796, XI, 32; N. C., 1776, XXV; Va., 1776, 19.