1890 Constitution of the State of Mississippi (as originally adopted)

We, the people of Mississippi, in Convention assembled, grateful to Almighty God, and invoking His blessing on our work, do ordain and establish this Constitution.

ARTICLE 1 – DISTRIBUTION OF POWERS

Section 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to-wit: those which are legislative to one; those which are judicial to another; and those which are executive to another.

Sec. 2. No person or collection of persons, being one, or belonging to one, of these departments, shall exercise any power properly belonging to either of the others. The acceptance of an office in either of said departments shall, of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments.

ARTICLE 2 – BOUNDARIES OF THE STATE

Sec. 3. The limits and boundaries of the State of Mississippi are as follows, to-wit: Beginning on the Mississippi river (meaning thereby the center of said river or thread of the stream) where the southern boundary line of the State of Tennessee strikes the same, as run by B. A. Ludlow, D. W. Connelly and W. Petrie, commissioners appointed for that purpose on the part of the State of Mississippi in A.D., 1837, and J. D. Graham and Austin Miller, commissioners appointed for that purpose on the part of Tennessee; thence east along the said boundary line of the State of Tennessee to a point on the west bank of the Tennessee river, six four-pole chains south of and above the mouth of Yellow Creek; thence up the said river to the mouth of Bear Creek; thence by a direct line to what was formerly the northwest corner of the county of Washington, Alabama; thence on a direct line to a point ten miles east of the Pascagoula river on the Gulf of Mexico; thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne; thence up said Pearl river to the thirty-first degree of north latitude; thence west along the said degree of latitude to the middle or thread of the stream of the Mississippi river; thence up the middle of the Mississippi river, or thread of the stream, to the place of beginning, including all islands lying east of the thread of the stream of said river, and also including any lands which were at any time heretofore a part of this State.

Sec. 4. The legislature shall have power to consent to the acquisition of additional territory by the State and to make the same a part thereof; and the legislature may settle disputed boundaries between this State and its coterminous States whenever such disputes arise.

ARTICLE 3 – BILL OF RIGHTS

Sec. 5. All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 6. The people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness; provided, such change be not repugnant to the constitution of the United States.

Sec. 7. The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

Sec. 8. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

Sec. 9. The military shall be in strict subordination to the civil power.

Sec. 10. Treason against the State shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 11. The right of the people peaceably to assemble and petition the government on any subject shall never be impaired.

Sec. 12. The right of every citizen to keep and bear arms in defense of his home, person or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.

Sec. 13. The freedom of speech and of the press shall be held sacred, and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Sec. 14. No person shall be deprived of life, liberty or property, except by due process of law.

Sec. 15. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Sec. 16. *Ex post facto* laws, or laws impairing the obligation of contracts, shall not be passed.

Sec. 17. Private property shall not be taken or damaged for public use except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and as such determined without regard to legislative assertion that the use is public.

Sec. 18. No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect, or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the State, or to exclude the Holy Bible from use in any public school of this State.

Sec. 19. Human life shall not be imperiled by the practice of dueling; and any citizen of this State who shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, whether such act be done in the State, or out of it, or who shall go out of the State to fight a duel, or to assist in the same as second, or to send, accept or carry a challenge, shall be disqualified from holding any office under this constitution and shall be disfranchised.

Sec. 20. No person shall be elected or appointed to office in this State for life or during good behavior, but the term of all offices shall be for some specified period.

Sec. 21. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

Sec. 22. No person’s life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Sec. 23. The people shall be secure in their persons, houses and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

Sec. 24. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial or delay.

Sec. 25. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself before any tribunal in this State, by him or herself, or counsel, or both.

Sec. 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature, the court may in its discretion exclude from the court room all persons except such as are necessary in the conduct of the trial.

Sec. 27. No person shall for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for misdemeanor in office; but the legislature in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.

Sec. 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.

Sec. 29. Excessive bail shall not be required; and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

Sec. 30. There shall be no imprisonment for debt.

Sec. 31. The right of trial by jury shall remain inviolate.

Sec. 32. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by, and inherent in, the people.

ARTICLE 4 – LEGISLATIVE DEPARTMENT

Sec. 33. The legislative power of this State shall be vested in the legislature, which shall consist of a senate, and a house of representatives.

Sec. 34. The house of representatives shall consist of members chosen every four years by the qualified electors of the several counties and representative districts.

Sec. 35. The senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

Sec. 36. The legislature shall meet at the seat of government in regular session, on the first Tuesday after the first Monday in January of the year A.D., 1892, and every four years thereafter; and in special session on the first Tuesday after the first Monday in January of the year A.D., 1894, and every four years thereafter, unless sooner convened

by the governor. The special sessions shall not continue longer than thirty days unless the governor, deeming the public interest to require it, shall extend the sitting by proclamation in writing to be sent to and entered upon the journals of each house, for a specific number of days, and then it may continue in session to the expiration of that time. At such special sessions the members shall receive not more compensation or salary than ten cents mileage, and a per diem of not exceeding five dollars; and none but appropriation and revenue bills shall be considered except such other matters as may be acted upon at an extraordinary session called by the governor.

Sec. 37. Elections for members of the legislature shall be held in the several counties and districts as provided by law.

Sec. 38. Each house shall elect its own officers, and shall judge of the qualifications, return and election of its own members.

Sec. 39. The senate shall choose a president pro tempore to act in the absence or disability of its presiding officer.

QUALIFICATIONS AND PRIVILEGES OF LEGISLATORS

Sec. 40. Members of the legislature before entering upon the discharge of their duties shall take the following oath: "I _____ _____, do solemnly swear (or affirm) that I will faithfully support the constitution of the United States and of the State of Mississippi; that I am not disqualified from holding office by the constitution of this State; that I will faithfully discharge my duties as a legislator; that I will, as soon as practicable hereafter, carefully read (or have read to me) the constitution of this State, and will endeavor to note, and as a legislator, to execute all the requirements thereof imposed on the legislature; and I will not vote for any measure or person because of a promise of any other member of this legislature to vote for any measure or person, or as a means of influencing him or them to do so. So help me God."

Sec. 41. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, and who shall not be a qualified elector of the State, and who shall not have been a resident citizen of the State four years, and of the county two years, immediately preceding his election. The seat of a member of the house of representatives shall be vacated on his removal from the county or flotorial district from which he was elected.

Sec. 42. No person shall be a senator who shall not have attained the age of twenty-five years, who shall not have been a qualified elector of the State four years, and who shall not be an actual resident of the district or territory he may be chosen to represent, for two years before his election. The seat of a senator shall be vacated upon his removal from the district from which he was elected.

Sec. 43. No person liable as principal for public moneys unaccounted for shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

Sec. 44. No person shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, who shall have been convicted of bribery, perjury, or other infamous crime; and any person who shall have been convicted of giving, or offering, directly, or indirectly, any bribe to procure his election or appointment; and any person who shall give, or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from holding any office of profit or trust under the laws of this State.

Sec. 45. No senator or representative during the term for which he was elected, shall be eligible to any office of profit, which shall have been created, or the emoluments of which have been increased, during the time such senator or representative was in office, except to such offices as may be filled by an election of the people.

Sec. 46. The members of the legislature shall severally receive from the State treasury, compensation for their services, to be prescribed by law, which may be increased or diminished, but no alteration of such compensation of members shall take effect during the session at which it is made.

Sec. 47. No member of the legislature shall take any fee or reward, or be counsel in any measure pending before either house of the legislature, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house, of which he is a member.

Sec. 48. Senators and representatives shall, in all cases, except treason, felony, theft or breach of the peace, be privileged from arrest during the session of the legislature, and for fifteen days before the commencement and after the termination of each session.

TRIAL OF OFFICERS

Sec. 49. The house of representatives shall have the sole power of impeachment; but two-thirds of all the members present must concur therein. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be sworn to do justice according to law and the evidence.

Sec. 50. The governor, and all other civil officers of this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Sec. 51. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit in this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

Sec. 52. When the governor shall be tried, the chief justice of the supreme court shall preside; and when the chief justice is disabled, disqualified, or refuses to act, the judge of the supreme court, next oldest in commission, shall preside; and no person shall be convicted without the concurrence of two-thirds of all the senators present.

Sec. 53. For reasonable cause, which shall not be sufficient ground of impeachment, the governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the judges of the supreme and inferior courts; but the cause or causes of removal shall be spread on the journal, and the party charged be notified of the same and have an opportunity to be heard by himself or counsel, or both, before the vote is finally taken and decided.

RULES OF PROCEDURE

Sec. 54. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each shall provide.

Sec. 55. Each house may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds of the members present, expel a member; but no member, unless expelled for theft, bribery or corruption, shall be expelled a second time for the same offense. Both houses shall from time to time, publish journals of their proceedings, except such parts as may in their opinion require secrecy; and the yeas and nays, on any question, shall be entered on the journal, at the request of one-tenth of the members present; and the yeas and nays shall be entered on the journal on the final passage of every bill.

Sec. 56. The style of the laws of the State shall be: "Be it enacted by the legislature of the State of Mississippi."

Sec. 57. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 58. The doors of each house, when in session, or in committee of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence, or who shall in any way disturb its deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

Sec. 59. Bills may originate in either house and be amended or rejected in the other; and every bill shall be read on three different days in each house unless two-thirds of the house where the same is pending shall dispense with the rules; and every bill shall be read in full immediately before the vote on its final passage; and every bill having passed both houses, shall be signed by the president of the senate and the speaker of the house of representatives, in open session; but before either shall sign any bill, he shall give notice

thereof, suspend business in the house over which he presides, have the bill read by its title, and on demand of any member, have it read in full; and all such proceedings shall be entered on the journal.

Sec. 60. No bill shall be so amended in its passage through either house as to change its original purpose, and no law shall be passed except by bill; but orders, votes and resolutions of both houses, affecting the prerogatives and duties thereof, or relating to adjournment, to amendments to the constitution, to the investigation of public officers, and the like, shall not require the signature of the governor; and such resolutions, orders and votes, may empower legislative committees to administer oaths, to send for persons and papers, and generally make legislative investigation effective.

Sec. 61. No law shall be revived or amended by reference to its title only, but the section or sections as amended, or revived, shall be inserted at length.

Sec. 62. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority thereof, taken by yeas and nays and the names of those voting for and against recorded upon the journals; and reports of committees of conference shall in like manner be adopted in each house.

Sec. 63. No appropriation bill shall be passed by the legislature which does not fix definitely the maximum sum thereby authorized to be drawn from the treasury.

Sec. 64. No bill passed after the adoption of this constitution to make appropriation of money out of the State treasury, shall continue in force more than six months after the meeting of the legislature at its next regular session; nor shall such bill be passed except by the votes of a majority of all the members elected to each house of the legislature.

Sec. 65. All votes on the final passage of any measure shall be subject to reconsideration for at least one whole legislative day, and no motion to reconsider such vote shall be disposed of adversely on the day on which the original vote was taken, except on the last day of the session.

Sec. 66. No law granting a donation, or gratuity, in favor of any person or object shall be enacted, except by the concurrence of two-thirds of each branch of the legislature, nor by any vote for a sectarian purpose or use.

Sec. 67. No new bills shall be introduced into either house of the legislature during the last three days of the session.

Sec. 68. Appropriation and revenue bills shall, at regular sessions of the legislature, have precedence in both houses over all other business, and no such bills shall be passed during the last five days of the session.

Sec. 69. General appropriation bills shall contain only the appropriations to defray the ordinary expenses of the executive, legislative and judicial departments of the

government, to pay interest on State bonds, and to support the common schools. All other appropriations shall be made by separate bills, each embracing but one subject. Legislation shall not be engrafted on appropriation bills, but the same may prescribe the conditions on which money may be drawn, and for what purposes paid.

Sec. 70. No revenue bill nor any bill providing for assessments of property for taxation, shall become a law, except by a vote of at least three-fifths of the members of each house present, and voting.

Sec. 71. Every bill introduced into the legislature shall have a title, and the title ought to indicate clearly the subject matter, or matters, of the proposed legislation. Each committee to which a bill may be referred, shall express in writing its judgment of the sufficiency of the title of the bill, and this, too, whether the recommendation be that the bill do pass, or do not pass.

Sec. 72. Every bill which shall pass both houses shall be presented to the governor of the State. If he approve, he shall sign it, but if he does not approve, he shall return it, with his objection, to the house in which it originated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of 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 approved by two-thirds of that house, it shall become a law; but in all 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 journal of each house respectively. If any bill shall not be returned by the governor, within five days, (Sunday excepted), after it has been presented to him, it shall become a law, in like manner as if he had signed it, unless the legislature, by adjournment, prevent its return; in which case it shall be a law unless sent back within three days after the beginning of the next session of the legislature. No bill shall be approved when the legislature is not in session.

Sec. 73. The governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law.

Sec. 74. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom with a recommendation in writing.

Sec. 75. No law of a general nature, unless therein otherwise provided, shall be enforced until sixty days after its passage.

Sec. 76. In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journals.

Sec. 77. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature, and the persons thereupon chosen shall hold their seats for the unexpired term.

INJUNCTION

Sec. 78. It shall be the duty of the legislature to regulate by law the cases in which deductions shall be made from salaries of public officers, for neglect of official duty and the amount of said deduction.

Sec. 79. The legislature shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution. The right of redemption from all sales of real estate, for the non-payment of taxes, or special assessments, of any and every character whatsoever, shall exist, on conditions to be prescribed by law, in favor of owners and persons interested in such real estate, for a period of not less than two years.

Sec. 80. Provision shall be made by general laws to prevent the abuse by cities, towns and other municipal corporations of their powers of assessment, taxation, borrowing money and contracting debts.

Sec. 81. The legislature shall never authorize the permanent obstruction of any of the navigable waters of this State; but may provide for the removal of such obstructions as now exist, whenever the public welfare demands; this section shall not prevent the construction, under proper authority, of draw-bridges for railroads, or other roads, nor the construction of "booms and chutes" for logs in such manner as not to prevent the safe passage of vessels, or logs, under regulations to be provided by law.

Sec. 82. The legislature shall fix the amount of the penalty of all official bonds, and may, as far as practicable, provide that the whole or a part of the security required for the faithful discharge of official duty shall be made by some guarantee company or companies.

Sec. 83. The legislature shall enact laws to secure the safety of persons from fires in hotels, theatres and other public places of resort.

Sec. 84. The legislature shall enact laws to limit, restrict or prevent the acquiring and holding of land in this State by non-resident aliens, and may limit or restrict the acquiring or holding of lands by corporations.

Sec. 85. The legislature shall provide by general law for the working of public roads by contract or by county prisoners, or both. Such law may be put in operation only by a vote of the board of supervisors in those counties where it may be desirable.

Sec. 86. It shall be the duty of the legislature to provide by law for the treatment and care of the insane; and the legislature may provide for the care of the indigent sick in the hospitals in this State.

LOCAL LEGISLATION

Sec. 87. No special or local law shall be enacted for the benefit of individuals or corporations, in cases which are, or can be provided for by a general law, or where the relief sought can be given by any court of this State; nor shall the operation of any general law be suspended by the legislature for the benefit of any individual or private corporation or association, and in all cases where a general law can be made applicable, and would be advantageous, no special law shall be enacted.

Sec. 88. The legislature shall pass general laws, under which local and private interests shall be provided for and protected, and under which cities and towns may be chartered and their charters amended, and under which corporations may be created, organized, and their acts of incorporation altered; and all such laws shall be subject to repeal or amendment.

Sec. 89. There shall be appointed in each house of the legislature a standing committee on local and private legislation; the house committee to consist of seven representatives, and the senate committee, of five senators. No local or private bill shall be passed by either house until it shall have been referred to said committee thereof, and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by a general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it shall not pass the house to which it is so reported unless it be voted for by a majority of all the members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as are prohibited in the next section, the courts shall not, because of its local, special or private nature, refuse to enforce it.

Sec. 90. The legislature shall not pass local, private or special laws in any of the following enumerated cases, but such matters shall be provided for only by general laws, viz:

(a) Granting divorces.
(b) Changing the names of persons, places or corporations.
(c) Providing for changes of venue in civil and criminal cases.
(d) Regulating the rate of interest on money.
(e) Concerning the settlement or administration of any estate, or the sale or mortgage of any property, of any infant, or of a person of unsound mind, or of any deceased person.
(f) The removal of the disability of infancy.
(g) Granting to any person, corporation, or association, the right to have any ferry, bridge, road or fish-trap.
(h) Exemption of property from taxation, or from levy or sale.
(i) Providing for the adoption or legitimation of children.
(j) Changing the law of descent and distribution.
(k) Exempting any person from jury, road, or other civil duty (and no person shall be exempted therefrom by force of any local or private law).
(l) Laying out, opening, altering and working roads and highways.
(m) Vacating any road or highway, town plat, street, alley or public grounds.

(n) Selecting, drawing, summoning or empaneling grand or petit juries.
(o) Creating, increasing, or decreasing the fees, salary or emoluments of any public officer.
(p) Providing for the management or support of any private or common school, incorporating the same or granting such school any privileges.
(q) Relating to stock laws, water courses and fences.
(r) Conferring the power to exercise the right of eminent domain, or granting to any person, corporation, or association the right to lay down railroad tracks, or street car tracks, in any other manner than that prescribed by general law.
(s) Regulating the practice in courts of justice.
(t) Providing for the creation of districts for the election of justices of the peace and constables.
(u) Granting any lands under control of the State to any person or corporation.

PROHIBITIONS

Sec. 91. The legislature shall not enact any law for one or more counties, not applicable to all the counties in the State, increasing the uniform charge for the registration of deeds, or regulating costs and charges and fees of officers.

Sec. 92. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Sec. 93. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

Sec. 94. The legislature shall never create by law any distinction between the rights of men and women to acquire, own, enjoy, and dispose of property of all kinds, or their power to contract in reference thereto. Married women are hereby fully emancipated from all disability on account of coverture. But this shall not prevent the legislature from regulating contracts between husband and wife; nor shall the legislature be prevented from regulating the sale of homesteads.

Sec. 95. Lands belonging to, or under the control of the State, shall never be donated directly, or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sale to individuals. This, however, shall not prevent the legislature from granting a right of way, not exceeding one hundred feet in width, as a mere easement, to railroads across State land, and the legislature shall never dispose of the land covered by said right of way so long as such easement exists.

Sec. 96. The legislature shall never grant extra compensation, fee or allowance, to any public officer, agent, servant or contractor, after service rendered, or contract made, nor authorize payment, or part payment, of any claim under any contract, not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing, or suppressing insurrections.

Sec. 97. The legislature shall have no power to revive any remedy which may have become barred by lapse of time, or by any statute of limitation of this State.

Sec. 98. No lottery shall ever be allowed, or be advertised by newspapers, or otherwise, or its tickets be sold in this State; and the legislature shall provide by law for the enforcement of this provision; nor shall any lottery heretofore authorized be permitted to be drawn or its tickets sold.

Sec. 99. The legislature shall not elect any other than its own officers, State librarian, and United States senators; but this section shall not prohibit the legislature from appointing presidential electors.

Sec. 100. No obligation or liability of any person, association, or corporation held or owned by this State, or levee board, or any county, city, or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; but this shall not be construed to prevent the legislature from providing by general law for the compromise of doubtful claims.

Sec. 101. The seat of government of the State shall be at the city of Jackson, and shall not be removed or relocated without the assent of a majority of the electors of the State.

MISCELLANEOUS

Sec. 102. All general elections for State and county officers shall commence and be holden every four years, on the first Tuesday after the first Monday in November, until altered by law; and the electors, in all cases except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance at elections and in going to and returning therefrom.

Sec. 103. In all cases not otherwise provided for in this constitution, the legislature may determine the mode of filling all vacancies, in all offices, and in cases of emergency provisional appointments may be made by the governor, to continue until the vacancy is regularly filled; and the legislature shall provide suitable compensation for all officers, and shall define their respective powers.

Sec. 104. Statutes of limitation in civil causes shall not run against the State, or any subdivision, or municipal corporation thereof.

Sec. 105. The legislature shall provide for the enumeration of the whole number of inhabitants, and the qualified electors of the State, once in every ten years; and the first enumeration shall be made during the two months beginning on the first Monday of June, 1895, and the legislature shall provide for the same by law.

Sec. 106. There shall be a State librarian, to be chosen by the legislature, on joint vote of the two houses, to serve for four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the State four years, and who has attained the age of twenty years, shall be eligible to said office.

Sec. 107. All stationery, printing, paper, and fuel, used by the legislature, and other departments of the government, shall be furnished, and the printing and binding of the laws, journals, department reports, and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the legislature or officer of any department shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the governor and State treasurer.

Sec. 108. Whenever the legislature shall take away the duties pertaining to any office, then the salary of the officer shall cease.

Sec. 109. No public officer or member of the legislature shall be interested directly or indirectly in any contract with the State, or any district, county, city or town thereof, authorized by any law passed, or order made by any board of which he may be or may have been a member, during the term for which he shall have been chosen, or within one year after the expiration of such term.

Sec. 110. The legislature may provide, by general law, for condemning rights of way for private roads, where necessary for ingress and egress by the party applying, on due compensation being first made to the owner of the property; but such rights of way shall not be provided for in incorporated cities and towns.

Sec. 111. All lands comprising a single tract sold in pursuance of decree of court, or execution, shall be first offered in subdivisions not exceeding one hundred and sixty acres, or one-quarter section, and then offered as an entirety, and the price bid for the latter shall control only when it shall exceed the aggregate of the bids for the same in subdivisions as aforesaid; but the chancery court, in cases before it, may decree otherwise if deemed advisable to do so.

Sec. 112. Taxation shall be uniform and equal throughout the State. Property shall be taxed in proportion to its value. The legislature may, however, impose a tax per capita upon such domestic animals as from their nature and habits are destructive of other property. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value. But the legislature may provide for a special mode of valuation and assessment for railroads, and railroad and other corporate property, or for particular species of property belonging to persons, corporations or associations not situated wholly in one county. But all such property shall be assessed at its true value, and no county shall be denied the right to levy county and special taxes upon such assessment as in other cases of property situated and assessed in the county.

Sec. 113. The auditor shall, within sixty days after the adjournment of the legislature, prepare and publish a full statement of all money expended at such session, specifying the items and amount of each item, and to whom, and for what paid; and he shall also publish the amounts of all appropriations.

Sec. 114. Returns of all elections by the people shall be made to the secretary of state in such manner as shall be provided by law.

Sec. 115. The fiscal year of the State of Mississippi shall commence on the first day of October, and end on the thirtieth day of September of each year; and the auditor of public accounts and the treasurer of the State shall compile, and have published, a full and complete report, showing the transactions of their respective offices on or before the thirty-first day of December of each year for the preceding fiscal year.

ARTICLE 5 – EXECUTIVE

Sec. 116. The chief executive power of the State shall be vested in a governor, who shall hold his office for four years, and who shall be ineligible as his immediate successor in office.

Sec. 117. The governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, and shall have resided in this State five years next preceding the day of his election.

Sec. 118. The governor shall receive for his services such compensation as may be fixed by law, which shall neither be increased nor diminished during his term of office.

Sec. 119. The governor shall be commander-in-chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

Sec. 120. The governor may require information, in writing, from the officers in the executive departments of the State on any subject relating to the duties of their respective offices.

Sec. 121. The governor shall have power to convene the legislature in extraordinary session whenever in his judgment the public interest requires it. Should the governor deem it necessary to convene the legislature, he shall do so by public proclamation, in which he shall state the subjects and matters to be considered by the legislature when so convened; and the legislature when so convened, as aforesaid, shall have no power to consider or act upon subjects or matters other than those designated in the proclamation of the governor, by which the session is called, except impeachments, and examination into the accounts of State officers. The legislature when so convened may also act on and consider such other matters as the governor may in writing submit to them while in session. The governor may convene the legislature at the seat of government, or at a different place, if that shall become dangerous from an enemy, or from disease; and in case of a disagreement between the two houses, with respect to time of adjournment,

adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the legislature.

Sec. 122. The governor shall, from time to time, give the legislature information of the state of the government, and recommend for consideration such measures as may be deemed necessary and expedient.

Sec. 123. The governor shall see that the laws are faithfully executed.

Sec. 124. In all criminal and penal cases, excepting those of treason and impeachment, the governor shall have power to grant reprieves and pardons, to remit fines, and in cases of forfeiture, to stay the collection, until the end of the next session of the legislature, and by and with the consent of the senate to remit forfeitures. In cases of treason, he shall have power to grant reprieves, by and with the consent of the senate, but may respite the sentence until the end of the next session of the legislature; but no pardon shall be granted before conviction, and in cases of felony after conviction no pardon shall be granted until the applicant therefor shall have published for thirty days, in some newspaper in the county where the crime was committed, and in case there be no newspaper published in said county, then in an adjoining county, his petition for pardon, setting forth therein the reasons why such pardon should be granted.

Sec. 125. The governor shall have the power, and it is hereby made his duty, to suspend alleged defaulting State and county treasurers, and defaulting tax collectors, pending the investigation of their respective accounts, and to make temporary appointments of proper persons to fill the offices while such investigations are being made, and the legislature shall provide for the enforcement of this provision by appropriate legislation.

Sec. 126. There shall be a seal of the State kept by the governor, and used by him officially, and be called the great seal of the State of Mississippi.

Sec. 127. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal of State, and be signed by the governor, and attested by the secretary of state.

Sec. 128. There shall be a lieutenant-governor, who shall be elected at the same time, in the same manner, and for the same term, and who shall possess the same qualifications as required of the governor.

Sec. 129. The lieutenant-governor shall, by virtue of his office, be president of the senate. In committee of the whole, he may debate all questions, and when there is an equal division in the senate, or on a joint vote of both houses, he shall give the casting vote.

Sec. 130. The lieutenant-governor shall receive for his services the same compensation as the speaker of the house of representatives.

Sec. 131. When the office of governor shall become vacant, by death or otherwise, the lieutenant-governor shall possess the powers and discharge the duties of said office. When the governor shall be absent from the State, or unable from protracted illness to perform the duties of the office, the lieutenant-governor shall discharge the duties of said office until the governor be able to resume his duties; but, if from disability or otherwise, the lieutenant-governor shall be incapable of performing said duties, or if he be absent from the State, the president of the senate pro tempore shall act in his stead; but if there be no such president, or if he be disqualified by like disability, or be absent from the State, then the speaker of the house of representatives shall assume the office of governor, and perform said duties; and in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate, to elect a president pro tempore. The officer discharging the duties of the governor shall receive the compensation as such. Should a doubt arise as to whether a vacancy has occurred in the office of governor or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the secretary of state shall submit the question in doubt to the judges of the supreme court, who, or a majority of whom, shall investigate and determine said question; and shall furnish to said secretary of state an opinion in writing determining the question submitted to them, which opinion when rendered as aforesaid shall be final and conclusive.

Sec. 132. In case the election for lieutenant-governor shall be contested, the contest shall be tried and determined in the same manner as a contest for the office of governor.

Sec. 133. There shall be a secretary of State, who shall be elected as herein provided. He shall be at least twenty-five years of age, a citizen of the State five years next preceding the day of his election, and he shall continue in office during the term of four years, and shall be keeper of the capitol; he shall keep a correct register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature, and he shall perform such other duties as may be required of him by law. He shall receive such compensation as shall be prescribed.

Sec. 134. A State treasurer and an auditor of public accounts shall be elected as herein provided, who shall hold their offices for the term of four years, and shall possess the same qualifications as required for the secretary of state; they shall receive such compensation as may be provided by law. Said treasurer and auditor of public accounts shall be ineligible to immediately succeed themselves or each other in office.

Sec. 135. There shall be a sheriff, coroner, treasurer, assessor and surveyor for each county, to be selected as elsewhere provided herein, who shall hold their offices for four years. The sheriff and treasurer shall be ineligible to immediately succeed themselves or each other in office.

Sec. 136. All officers named in this article shall hold their offices during the term for which they were selected, unless removed, and until their successors shall be duly qualified to enter on the discharge of their respective duties.

Sec. 137. It shall be the duty of the state treasurer, within ten days after the first day of January and July of each year, to publish a statement under oath, in some newspaper published at the seat of government, showing the condition of the treasury on said days, the balance on hand and in what funds, together with a certificate of the governor that he has verified the count of the funds in the treasury and found the balance, stated by the treasurer, actually in the vaults of the treasury, or as the truth may be. And it shall be the duty of the governor at such times as he may deem proper, to go to the treasury, without giving notice to the treasurer, and verify the cash balance as shown by the books, and to publish the fact that he has done so, and whether the amount called for by the books be actually in the treasury, and stating whether the treasurer had any notice whatever that the verification would be made.

Sec. 138. The sheriff, coroner, treasurer, assessor, surveyor, clerks of the courts, and members of the board of supervisors of the several counties, and all other officers exercising local jurisdiction therein, shall be selected in the manner provided by law for each county.

Sec. 139. The legislature may empower the governor to remove and appoint officers, in any county or counties or municipal corporations, under such regulations as may be prescribed by law.

Sec. 140. The governor of the State shall be chosen in the following manner: On the first Tuesday after the first Monday of November of A.D., 1895, and on the first Tuesday after first Monday of November in every fourth year thereafter, until the day shall be changed by law, an election shall be held in the several counties and districts created for the election of members of the house of representatives in this State, for governor, and the person receiving in any county or such legislative district the highest number of votes cast therein, for said office, shall be holden to have received as many votes as such county or district is entitled to members in the house of representatives, which last named votes are hereby designated "electoral votes." In all cases where a representative is apportioned to two or more counties or districts the electoral vote based on such representative shall be equally divided among such counties or districts. The returns of said election shall be certified by the election commissioners, or a majority of them, of the several counties, and transmitted, sealed, to the seat of government, directed to the secretary of state, and shall be by him safely kept and delivered to the speaker of the house of representatives at the next ensuing session of the legislature within one day after he shall have been elected. The speaker shall, on the next Tuesday after he shall have received said returns, open and publish them in the presence of the house of representatives, and said house shall ascertain and count the vote of each county and legislative district and decide any contest that may be made concerning the same, and said decision shall be made by a majority of the whole number of members of the house of representatives concurring therein, by a *viva voce* vote, which shall be recorded in its journal; provided, in case the two highest candidates have an equal number of votes in any county or legislative district, the electoral vote of such county or legislative district shall be considered as equally divided between them. The person found to have received

a majority of all the electoral votes, and also a majority of the popular vote, shall be declared elected.

Sec. 141. If no person shall receive such majorities, then the house of representatives shall proceed to choose a governor from the two persons who shall have received the highest number of popular votes; the election shall be by viva voce vote, which shall be recorded in the journal, in such manner as to show for whom each member voted.

Sec. 142. In case of an election of governor or any State officer by the house of representatives, no member of that house shall be eligible to receive any appointment from the governor or other State officer so elected, during the term for which he shall be selected.

Sec. 143. All other State officers shall be elected at the same time, and in the same manner as provided for election of governor.

ARTICLE 6 – JUDICIARY

Sec. 144. The judicial power of the State shall be vested in a supreme court and such other courts as are provided for in this constitution.

Sec. 145. The supreme court shall consist of three judges, any two of whom, when convened, shall form a quorum. The legislature shall divide the State into three supreme court districts, and the governor, by and with the advice and consent of the senate, shall appoint one judge for and from each district; but the removal of a judge to the State capital during his term of office shall not render him ineligible as his own successor for the district from which he has removed. The present incumbents shall be considered as holding their terms of office from the State at large.

Sec. 146. The supreme court shall have such jurisdiction as properly belongs to a court of appeals.

Sec. 147. No judgment or decree in any chancery or circuit court rendered in a civil cause, shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common law jurisdiction; but if the supreme court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the supreme court may remand it to that court which in its opinion can best determine the controversy.

Sec. 148. The supreme court shall be held twice in each year at the seat of government, at such time as the legislature may provide.

Sec. 149. The term of office of the judges of the supreme court shall be nine years. The office of one of said judges shall be vacated in three years, one in six years, and one in

nine years, so that at the expiration of every three years one of said judges shall be appointed as aforesaid.

Sec. 150. No person shall be eligible to the office of judge of the supreme court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been a practicing attorney and a citizen of the State for five years immediately preceding such appointment.

Sec. 151. All vacancies which may occur in said court from death, resignation, or removal, shall be filled by appointment as aforesaid; but if a vacancy shall occur during the recess of the legislature, the governor shall appoint a successor who shall hold his office until the end of the next session of the senate unless his nomination shall be sooner rejected.

Sec. 152. The legislature shall divide the State into convenient circuit and chancery court districts.

Sec. 153. The judges of the circuit courts and of the chancery courts shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices for the term of four years.

Sec. 154. No person shall be eligible to the office of judge of the circuit or of the chancery court, who shall not have been a practicing lawyer for five years, and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this State.

Sec. 155. The judges of the several courts of this State shall, before they proceed to execute the duties of their respective offices, take the following oath or affirmation, to-wit: "I, _____, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, agreeably to the constitution of the United States, and the constitution and laws of the State of Mississippi; so help me God."

Sec. 156. The circuit court shall have original jurisdiction in all matters civil and criminal in this State not vested by this constitution in some other court, and such appellate jurisdiction as shall be prescribed by law.

Sec. 157. All causes that may be brought in the circuit court whereof the chancery court has exclusive jurisdiction shall be transferred to the chancery court.

Sec. 158. A circuit court shall be held in each county at least twice in each year, and the judges of said courts may interchange circuits with each other in such manner as may be provided by law.

Sec. 159. The chancery court shall have full jurisdiction in the following matters and cases, viz:

(a) All matters in equity.
(b) Divorce and alimony.
(c) Matters testamentary and of administration.
(d) Minor's business.
(e) Cases of idiocy, lunacy and persons of unsound mind.
(f) All cases of which the said court had jurisdiction under the laws in force when this constitution is put in operation.

Sec. 160. And in addition to the jurisdiction heretofore exercised by the chancery court in suits to try title and to cancel deeds and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession, to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought although the legal remedy may not have been exhausted or the legal title established by a suit at law.

Sec. 161. And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court if it appears that the accounts to be investigated are mutual and complicated.

Sec. 162. All causes that may be brought in the chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.

Sec. 163. The legislature shall provide by law for the due certification of all causes that may be transferred to or from any chancery court or circuit court, for such reformation of the pleadings therein as may be necessary, and the adjudication of the costs of such transfer.

Sec. 164. A chancery court shall be held in each county at least twice in each year.

Sec. 165. No judge of any court shall preside on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the judge and of the parties. Whenever any judge of the supreme court or the judge or chancellor of any district, in this State, shall, for any reason, be unable or disqualified to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the governor may commission another, or others, of law knowledge to preside at such term or during such disability or disqualification in the place of the judge or judges so disqualified. When either party shall desire, the supreme court for the

trial of any cause shall be composed of three judges. No judgment or decree shall be affirmed by disagreement of two judges constituting a quorum.

Sec. 166. The judges of the supreme court, of the circuit courts and the chancellors shall receive for their services a compensation to be fixed by law, which shall not be increased or diminished during their continuance in office.

Sec. 167. All civil officers shall be conservators of the peace, and shall be, by law, vested with ample power as such.

Sec. 168. The clerk of the supreme court shall be elected as other State officers for the term of four years, and the clerk of the circuit court and the clerk of the chancery court shall be selected in each county in the manner provided by law, and shall hold office for the term of four years, and the legislature shall provide by law what duties shall be performed during vacation by the clerks of the circuit and chancery courts, subject to the approval of the court.

Sec. 169. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by authority of the "State of Mississippi," and all indictments shall conclude "against the peace and dignity of the State."

Sec. 170. Each county shall be divided into five districts. A resident freeholder of each district shall be selected, in the manner prescribed by law, and the five so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business. The board of supervisors shall have full jurisdiction over roads, ferries and bridges, to be exercised in accordance with such regulations as the legislature may prescribe, and perform such other duties as may be required by law. The clerk of the chancery court of each county shall be clerk of the board of supervisors.

Sec. 171. A competent number of justices of the peace and constables shall be chosen in each county in the manner provided by law, for each district, who shall hold their office for the term of four years. No person shall be eligible to the office of justice of the peace who shall not have resided two years in the district next preceding his selection. The jurisdiction of justices of the peace shall extend to causes in which the principal amount in controversy shall not exceed the sum of two hundred dollars; and they shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the legislature may confer on the justices of the peace exclusive jurisdiction in such petty misdemeanors as it shall see proper. In all causes tried by a justice of the peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice of the peace shall preside at the trial of any cause where he may be interested, or the parties or either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice of the peace and of the parties.

Sec. 172. The legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever deemed expedient.

Sec. 173. There shall be an attorney-general elected at the same time and in the same manner as the governor is elected, whose term of office shall be four years, and whose compensation shall be fixed by law. The qualifications for the attorney-general shall be the same as herein prescribed for judges of the circuit and chancery courts.

Sec. 174. A district attorney for each circuit court district shall be selected in the manner provided by law, whose term of office shall be four years, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary.

Sec. 175. All pubic officers, for willful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and upon conviction, shall be removed from office, and otherwise punished as may be prescribed by law.

Sec. 176. No person shall be a member of the board of supervisors who is not a resident freeholder in the district for which he is chosen. The value of real estate necessary to be owned to qualify persons in the several counties to be members of said board shall be fixed by law.

Sec. 177. The governor shall have power to fill any vacancy which may happen during the recess of the senate, in the office of judge or chancellor, by making a temporary appointment of an incumbent, which shall expire at the end of the next session of the senate, unless a successor shall be sooner appointed, and confirmed by the senate. When a temporary appointment of a judge or chancellor has been made during the recess of the senate, the governor shall have no power to remove the person or appointee, nor power to withhold his name from the senate for their action.

ARTICLE 7 – CORPORATION

Sec. 178. Corporations shall be formed under general laws only. The legislature shall have power to alter, amend or repeal any charter of incorporation now existing, and revocable, and any that may hereafter be created, whenever in its opinion it may be for the public interest to do so; provided, however, that no injustice shall be done to the stockholders. No charter for any private corporation for pecuniary gain shall be granted for a longer period than ninety-nine years.In assessing for taxation the property and franchises of corporations, having charters for a longer period than ninety-nine years, the increased value of such property and franchises arising from such longer duration of their charters shall be considered and assessed; but any such corporation shall have the right to surrender the excess over ninety-nine years of its charter.

Sec. 179. The legislature shall never remit the forfeiture of the franchise of any corporation now existing, nor alter nor amend the charter thereof, nor pass any general nor special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchises subject to the provisions of this constitution; and the reception by any corporation of any provision of any such laws, or the taking of any benefit or advantage from the same, shall be conclusively held an

agreement by such corporation to hold thereafter its charter and franchises under the provisions hereof.

Sec. 180. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this constitution shall be subject to the provisions of this article; and all such charters under which organizations shall not take place in good faith and business be commenced within one year from the adoption of this constitution, shall thereafter have no validity; and every charter or grant of corporate franchise hereafter made shall have no validity, unless an organization shall take place thereunder and business be commenced within two years from the date of such charter or grant.

Sec. 181. The property of all private corporations for pecuniary gain shall be taxed in the same way and to the same extent as the property of individuals, but the legislature may provide for the taxation of banks and banking capital, by taxing the shares according to the value thereof, (augmented by the accumulations, surplus and unpaid dividends,) exclusive of real estate, which shall be taxed as other real estate. Exemptions from taxation to which corporations are legally entitled at the adoption of this constitution, shall remain in full force and effect for the time of such exemptions as expressed in their respective charters, or by general laws, unless sooner repealed by the legislature. And domestic insurance companies shall not be required to pay a greater tax in the aggregate than is required to be paid by foreign insurance companies doing business in this State, except to the extent of the excess of their ad valorem tax over the privilege tax imposed upon such foreign companies; and the legislature may impose privilege taxes on building and loan associations in lieu of all other taxes except on their real estate.

Sec. 182. The power to tax corporations and their property shall never be surrendered or abridged by any contract or grant to which the State or any political subdivision thereof may be a party, except that the legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period not exceeding five years, the time of such exemptions to commence from date of charter, if to a corporation; and if to an individual enterprise, then from the commencement of work; but when the legislature grants such exemptions for a period of five years or less, it shall be done by general laws, which shall distinctly enumerate the classes of manufactures and other new enterprises of public utility entitled to such exemptions, and shall prescribe the mode and manner in which the right to such exemptions shall be determined.

Sec. 183. No county, city, town or other municipal corporation shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation, or loan its credit in aid of such corporation or association. All authority heretofore conferred for any of the purposes aforesaid by the legislature or by the charter of any corporation, is hereby repealed. Nothing in this section contained shall affect the right of any such corporation, municipality or county to make such subscription where the same has been authorized under laws existing at the time of the adoption of this constitution, and by a vote of the people thereof, had prior to its adoption, and where the

terms of submission and subscription have been or shall be complied with, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the payment or liquidation of such subscription, or of any existing indebtedness.

Sec. 184. All railroads which carry persons or property for hire, shall be public highways, and all railroad companies so engaged shall be common carriers. Any company organized for that purpose under the laws of the State, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with roads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and all railroad companies shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without unnecessary delay or discrimination.

Sec. 185. The rolling stock, belonging to any railroad company or corporation in this State, shall be considered personal property and shall be liable to execution and sale as such.

Sec. 186. The legislature shall pass laws to prevent abuses, unjust discrimination and extortion in all charges of express, telephone, sleeping car, telegraph and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping car companies and other common carriers in this State, by commission or otherwise, and shall provide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

Sec. 187. No railroad hereafter constructed in this State, shall pass within three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles; provided, such town or citizens shall grant the right-of-way through its limits, and sufficient ground for ordinary depot purposes.

Sec. 188. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the legislature, or any State, district, county or municipal officers, except railroad commissioners. The legislature shall enact suitable laws for the detection, prevention and punishment of violations of this provision.

Sec. 189. All charters granted to private corporations in this State shall be recorded in the chancery clerk's office of the county in which the principal office or place of business of such company shall be located.

Sec. 190. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use; and the exercise of the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe upon the rights of individuals, or the general well being of the State.

Sec. 191. The legislature shall provide for the protection of the employees of all corporations doing business in this State from interference with their social, civil, or political rights by said corporations, their agents or employees.

Sec. 192. Provision shall be made by general laws whereby cities and towns may be authorized to aid and encourage the establishment of manufactories, gas-works, waterworks, and other enterprises of public utility other than railroads, within the limits of said cities or towns, by exempting all property used for such purposes, from municipal taxation for a period not longer than ten years.

Sec. 193. Every employee of any railroad corporation shall have the same right and remedies for any injury suffered by him from the act or omission of said corporation or its employees, as are allowed by law to other persons not employees, where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured, of the defective or unsafe character or condition of any machinery, ways or appliances, shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars, or engines voluntarily operated by them. Where death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, express or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation or his legal or personal representative, of any right or remedy that he now has by the law of the land. The legislature may extend the remedies herein provided for to any other class of employees.

Sec. 194. The legislature shall provide by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, so as to give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall see fit; and such directors or managers shall not be elected in any other manner; but no person who is engaged or interested in a competing business, either individually or as employee, or stockholder, shall serve on any board of directors of any corporation without the consent of a majority in interest of the stockholders thereof.

Sec. 195. Express, telegraph, telephone and sleeping car companies are declared common carriers in their respective lines of business and subject to liability as such.

Sec. 196. No transportation corporation shall issue stocks or bonds except for money, labor done, or in good faith agreed to be done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void.

Sec. 197. The legislature shall not grant to any foreign corporation or association, a license to build, operate or lease any railroad in this State; but in all cases where a railroad is to be built or operated, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporation or association lease or operate any railroad in this State or purchase the same, or any interest therein; consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State. No general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license from this State, or under an existing lease; and no grant of any right or privilege, and no exemption from any burden, shall be made to any such foreign corporation except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof, and shall thereafter operate and manage the same, and the business thereof under said domestic charter.

Sec. 198. The legislature shall enact laws to prevent all trusts, combinations, contracts and agreements inimical to the public welfare.

Sec. 199. The term corporation used in this article shall include all associations and all joint stock companies for pecuniary gain, having privileges not possessed by individuals or partnerships.

Sec. 200. The legislature shall enforce the provisions of this article by appropriate legislation.

ARTICLE 8 – EDUCATION

Sec. 201. It shall be the duty of the legislature to encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practicable, to establish schools of higher grade.

Sec. 202. There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall have the qualifications required of the secretary of state, and hold his office for four years and until his successor shall be elected and qualified, who shall have the general supervision of the common schools, and of the educational interests of the State, and who shall perform such other duties and receive such compensation, as shall be prescribed by law.

Sec. 203. There shall be a board of education, consisting of the secretary of state, the attorney general, and the superintendent of public education, for the management and investment of the school funds, according to law, and for the performance of such other duties as may be prescribed. The superintendent and one other of said board shall constitute a quorum.

Sec. 204. There shall be a superintendent of public education in each county, who shall be appointed by the board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation and duties, shall be prescribed by law; provided, that the legislature shall have power to make the office of county school superintendent of the several counties elective, or may otherwise provide for the discharge of the duties of county superintendent, or abolish said office.

Sec. 205. A public school shall be maintained in each school district in the county at least four months during each scholastic year. A school district neglecting to maintain its school four months, shall be entitled to only such part of the free school fund as may be required to pay the teacher for the time actually taught.

Sec. 206. There shall be a common school fund which shall consist of the poll tax (to be retained in the counties where the same is collected) and an additional sum from the general fund in the State treasury which together shall be sufficient to maintain the common schools for the term of four months in each scholastic year. But any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months. The common school fund shall be distributed among the several counties and separate school districts, in proportion to the number of educable children in each, to be determined from data collected through the office of the state superintendent of education, in the manner to be prescribed by law.

Sec. 207. Separate schools shall be maintained for children of the white and colored races.

Sec. 208. No religious or other sect, or sects, shall ever control any part of the school or other educational funds of this State; nor shall any funds be appropriated towards the support of any sectarian school; or to any school that at the time of receiving such appropriation is not conducted as a free school.

Sec. 209. It shall be the duty of the legislature to provide by law for the support of institutions for the education of the deaf, dumb, and blind.

Sec. 210. No public officer of this State, or any district, county, city or town thereof, nor any teacher or trustee of any public school, shall be interested in the sale, proceeds or profits of any books, apparatus or furniture to be used in any public school in this State. Penalties shall be provided by law for the violation of this section.

Sec. 211. The legislature shall enact such laws as may be necessary to ascertain the true condition of the title to the 16th sections of land in this State, or land granted in lieu thereof, in the Choctaw purchase, and shall provide that the sixteenth section lands reserved for the support of township schools shall not be sold, nor shall they be leased for a longer term than ten years for a gross sum; but the legislature may provide for the lease of any of said lands for a term not exceeding twenty-five years for a ground rental payable annually, and, in case of uncleared lands, may lease them for such short term as

may be deemed proper in consideration of the improvement thereof, with right thereafter to lease for a term or to hold on payment of ground rent.

Sec. 212. The rate of interest on the fund known as the Chickasaw school fund, and other trust funds for educational purposes, for which the State is responsible, shall be fixed and remain as long as said funds are held by the State, at six per centum per annum, from and after the close of the fiscal year A.D., 1891, and the distribution of said interest shall be made semi-annually on the first of May and November of each year.

Sec. 213. The State having received and appropriated the land donated to it for the support of Agricultural and Mechanical Colleges, by the United States, and having, in furtherance of the beneficent design of Congress in granting said land, established the Agricultural and Mechanical College of Mississippi, and the Alcorn Agricultural and Mechanical College, it is the duty of the State to sacredly carry out the conditions of the act of Congress, upon the subject, approved July 2d, A.D., 1862, and the legislature shall preserve intact the endowments to, and support, said colleges.

ARTICLE 9 – MILITIA

Sec. 214. All able-bodied male citizens of the State between the ages of eighteen and forty-five years shall be liable to military duty in the militia of this State, in such manner as the legislature may provide.

Sec. 215. The legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

Sec. 216. All officers of militia, except non-commissioned officers, shall be appointed by the governor, by and with the consent of the senate, or elected, as the legislature may determine; and no commissioned officer shall be removed from office except by the senate on suggestion of the governor, stating the ground on which such removal is recommended, or by the decision of a court martial, pursuant to law, or at his own request.

Sec. 217. The governor shall be commander-in-chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

Sec. 218. The governor shall nominate, and, by and with the consent of the senate, commission one major-general for the State, who shall be a citizen thereof, and also one brigadier-general for each congressional district, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a militia division.

Sec. 219. The adjutant-general, and other staff officers to the commander-in-chief, shall be appointed by the governor, and their appointment shall expire with the governor’s term of office, and the legislature shall provide by law a salary for the adjutant-general commensurate with the duties of said office.

Sec. 220. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of treason, felony or breach of the peace.

Sec. 221. The legislature is hereby required to make an annual appropriation for the efficient support and maintenance of the Mississippi National Guard, which shall consist of not less than one hundred men for each senator and representative to which this State may be entitled in the Congress of the United States; but no part of such funds shall be used in the payment of said guard except when in actual service.

Sec. 222. The legislature shall empower the board of supervisors of each county in the State to aid in supporting a military company or companies, of the Mississippi National Guard, within its borders, under such regulations, limitations and restrictions as may be prescribed by law.

ARTICLE 10 – THE PENITENTIARY AND PRISONS

Sec. 223. No penitentiary convict shall ever be leased or hired to any person or persons, or corporation, private or public or quasi-public, or board, after December the 31st, A.D. 1894, save as authorized in the next section, nor shall any previous lease or hiring of convicts extend beyond that date; and the legislature shall abandon the system of such leasing or hiring as much sooner than the date mentioned as may be consistent with the economic safety of the State.

Sec. 224. The legislature may authorize the employment under State supervision, and the proper officers and employees of the State, of convicts on public roads or other public works, or by any levee board on any public levees, under such provisions and restrictions as it may from time to time see proper to impose; but said convicts shall not be let or hired to any contractor under said board, nor shall the working of convicts on public roads, or pubic works, by any levee board ever interfere with the preparation for or the cultivation of any crop which it may be intended shall be cultivated by the said convicts, nor interfere with the good management of the State farm, nor put the State to any expense.

Sec. 225. The legislature may place the convicts on a State farm or farms and have them worked thereon under State supervision exclusively, in tilling the soil or manufacturing, or both, and may buy farms for that purpose. It may establish a reformatory school or schools, and provide for keeping of juvenile offenders from association with hardened criminals. It may provide for the commutation of the sentence of convicts for good behavior, and for the constant separation of the sexes, and for the separation of the white and black convicts as far as practicable, and for religious worship for the convicts.

Sec. 226. Convicts sentenced to the county jail shall not be hired or leased to any person or corporation outside the county of their conviction, after the first day of January, A.D., 1893, nor for a term which shall extend beyond that date.

ARTICLE 11 – LEVEES

Sec. 227. A levee system shall be maintained in the State as provided in this article.

Sec. 228. The division heretofore made by the legislature of the alluvial land of the State into two levee districts, viz: The Yazoo-Mississippi Delta Levee District, and the Mississippi Levee District, as shown by the laws creating the same, and the amendments thereto, is hereby recognized, and said districts shall so remain until changed by law; but the legislature may hereafter add to either of said districts any other alluvial land in the State.

Sec. 229. There shall be a board of levee commissioners for the Yazoo-Mississippi Delta Levee District, which shall consist of two members from each of the counties of Coahoma and Tunica, and one member from each of the remaining counties or parts of counties, now or hereafter embraced within the limits of said district, and the governor may appoint a stockholder in the Louisville, New Orleans & Texas Railway Company as an additional commissioner; and there shall also be a board of levee commissioners for the Mississippi Levee District, which shall consist of two members from each of the counties of Bolivar and Washington, and one from each of the counties of Issaquena and Sharkey. In the event of the formation of a new county or counties out of the territory embraced in either or both of said levee districts such new counties shall each be entitled to representation and membership in the proper board or boards.

Sec. 230. All of said commissioners shall be qualified electors of the respective counties or parts of counties from which they may be chosen, except the one selected for the Louisville, New Orleans & Texas Railway Company; and the legislature shall provide that they shall each give bond for the faithful performance of his duties, and shall fix the penalty thereof; but the penalty of such bond in no instance shall be fixed at less than $10,000, and the sureties thereon shall be freeholders of the district.

Sec. 231. When the terms of the present levee commissioners shall expire, or whenever a vacancy shall occur or be about to occur, in either of said boards, the governor shall make appointments to fill vacancies, subject to the confirmation of the senate. The terms of office of said commissioners shall remain as provided by law at the adoption of this constitution , but this provision shall not require the appointment of a commissioner for the Louisville, New Orleans & Texas Railway Company, except in the discretion of the governor as provided.

Sec. 232. The commissioners of said levee districts shall have supervision of the erection, repair and maintenance of the levees in their respective districts.

Sec. 233. The levee boards shall have and are hereby granted authority and full power to appropriate private property in their respective districts for the purpose of constructing, maintaining and repairing levees therein; and when any owner of land, or any other person interested therein, shall object to the location or building of the levee thereon, or shall claim compensation for any land that may be taken, or for any damages he may

sustain in consequence thereof, the president or other proper officer or agent of such levee board, or owner of such land, or other person interested therein, may forwith apply for an assessment of the damages to which said person claiming the same may be entitled whereupon the proceedings as now provided by law shall be taken, viz: in the Mississippi Levee District, in accordance with the terms and provisions of section 3 of an act entitled "an act to amend an act to incorporate the Board of Levee Commissioners for Bolivar, Washington and Issaquena counties, and for other purposes," approved November 27, A.D., 1865, and to revise acts amendatory thereof, approved March 13, A.D., 1884; and in the Yazoo-Mississippi Delta Levee District, in accordance with the terms and provisions of section three of an act entitled "an act to incorporate the board of levee commissioners for the Yazoo-Mississippi Delta, and for other purposes," approved February 28, A.D., 1884, and the amendments thereto; but the legislature shall have full power to alter and amend said several acts, and to provide different manners of procedure.

Sec. 234. No bill changing the boundaries of the district or affecting the taxation or revenue of the Yazoo-Mississippi Delta Levee District, or the Mississippi Levee District, shall be considered by the legislature unless said bill shall have been published in some newspaper in the county in which is situated the domicile of the board of levee commissioners of the levee district to be affected thereby, for four weeks prior to the introduction thereof into the legislature; and no such bill shall be considered for final passage by either the senate or house of representatives, unless the same shall have been referred to, and reported on, by an appropriate committee of each house in which the same may be pending; and no such committee shall consider or report on any such bill unless publication thereof shall have been made as aforesaid.

Sec. 235. Each levee board shall make at the end of each fiscal year, to the governor of this State, a report showing the condition of the levees, and recommending such additional legislation on the subject of the system as shall be thought necessary, and showing the receipts and expenditures of the board, so that each item, the amount and consideration therefor, shall distinctly appear, together with such other matters as it shall be thought proper to call to the attention of the legislature.

Sec. 236. The legislature shall impose for levee purpose, in addition to the levee taxes heretofore levied or authorized by law, a uniform tax of not less than two nor more than five cents an acre, per annum, upon every acre of land now, or hereafter, embraced within the limits of either, or both, of said levee districts. The taxes so derived shall be paid into the treasury of the levee board of the district in which the land charged with the same is situated; and the legislature, by the act imposing said tax, shall authorize said levee boards to fix the annual rate of taxation per acre within the limits aforesaid, and thereby require said levee boards, whenever a reduction is made by them in their other taxes, to make a proportionate reduction in the acreage tax hereinbefore mentioned; but said acreage tax shall not be reduced below two cents an acre per annum; and all reductions in such taxation shall be uniform in each said districts; but the rate of taxation need not be the same in both of them; and such specific taxes shall be assessed on the same assessment roll, and collected under the same penalties as the *ad valorem* taxes for levee

purposes, and shall be paid at the same time with the latter. And no levee board shall ever be permitted to buy lands when sold for taxes; but the senate shall have a prior lien for the taxes due thereto. The legislature may provide for the discontinuance of the tax on cotton, but not in such manner as to affect outstanding bonds based on it, and on the discontinuance of the tax on cotton, shall impose another tax in lieu thereof, but the legislature may repeal the acreage tax required to be levied hereby, after the first day of January, A.D., 1895.

Sec. 237. The legislature shall have full power to provide such system of taxation for said levee districts as it shall from time to time deem wise and proper.

Sec. 238. No property situated between the levee and the Mississippi River shall be taxed for levee purposes, nor shall damage be paid to any owner of land so situated because of it being left outside a levee.

Sec. 239. The legislature shall require the levee boards to publish at each of their sessions, an itemized account embracing their respective receipts since the prior session, and such appropriations as have been made or ordered by them respectively, in some newspaper or newspapers of the district.

ARTICLE 12 – FRANCHISE

Sec. 240. All elections by the people shall be by ballot.

Sec. 241. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this State two years, and one year in the election district, or in the incorporated city or town, in which he offers to vote, and who is duly registered as provided in this article, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid, on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a qualified elector; but any minister of the gospel in charge of an organized church shall be entitled to vote after six months residence in the election district, if otherwise qualified.

Sec. 242. The legislature shall provide by law for the registration of all persons entitled to vote at any election, and all persons offering to register shall take the following oath or affirmation: "I_____, do solemnly swear (or affirm) that I am twenty-one years old, (or I will be before the next election in this county) and that I will have resided in this State two years, and _____election district of _____county one year next preceding the ensuing election [or if it be stated in the oath that the person proposing to register is a minister of the gospel in charge of an organized church, then it will be sufficient to aver therein, two years residence in the State and six months in said election

district], and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this district; that I will faithfully support the constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God." In registering voters in cities and towns, not wholly in one election district, the name of such city or town may be substituted in the oath for the election district. Any willful and corrupt false statements in said affidavit, or in answer to any material question propounded as herein authorized, shall be perjury.

Sec. 243. A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

Sec. 244. On and after the first day of January, A. D., 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A.D., 1892.

Sec. 245. Electors in municipal elections shall possess all the qualifications herein prescribed, and such additional qualifications as may be provided by law.

Sec. 246. Prior to the first day of January, A.D., 1896, the elections by the people in this State shall be regulated by an ordinance of this convention.

Sec. 247. The legislature shall enact laws to secure fairness in party primary elections, conventions or other methods of naming party candidates.

Sec. 248. Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same.

Sec. 249. No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections.

Sec. 250. All qualified electors and no others shall be eligible to office as otherwise provided in this constitution.

Sec. 251. Electors shall not be registered within four months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote, within the said four months, shall be excluded from registration on account of his want of qualification at the time of registration.

Sec. 252. The term of office of all elective officers under this constitution shall be four years, except as otherwise provided herein. A general election for all elective officers shall be held on the Tuesday next after the first Monday of November, A.D., 1895, and every four (4) years thereafter; provided, the legislature may change the day and date of general elections to any day and date in October, November or December.

Sec. 253. The legislature may by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

ARTICLE 13 – APPORTIONMENT

Sec. 254. The number of representatives in the lower house of the legislature shall be one hundred and thirty-three, to be apportioned as follows:

First – The counties of Choctaw, Covington, Greene, Hancock, Issaquena, Jones, Lawrence, Leflore, Marion, Neshoba, Pearl River, Perry, Quitman, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tishomingo, Tunica, Wayne and Webster, each shall have one representative.

Second – The counties of Alcorn, Amite, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Clay, Coahoma, DeSoto, Kemper, Lafayette, Madison, Newton, Pike, Pontotoc, Prentiss, Rankin, Tate, Union, Wilkinson and Yalobusha, each shall have two representatives.

Third – The counties of Copiah, Holmes, Marshall, Monroe, Noxubee, Panola, Warren and Washington, each shall have three representatives.

Fourth – The counties of Franklin and Lincoln each shall have one representative and a floater between them.

Fifth – The counties of Tippah and Benton each shall have one representative and a floater between them.

Sixth – The counties of Claiborne and Jefferson each shall have one representative and a floater between them.

Seventh – The counties of Clarke and Jasper each shall have one representative and a floater between them.

Eighth – The counties of Grenada and Montgomery each shall have one representative and a floater between them.

Ninth – The counties of Leake and Winston each shall have one representative and a floater between them.

Tenth – The counties of Harrison and Jackson each shall have one representative and a floater between them.

Eleventh – The county of Yazoo shall have three representatives and the county of Hinds shall have three representatives, and they shall have a floater between them.

Twelfth – The county of Lauderdale shall have three representatives, one to be elected by the city of Meridian, one by the county outside the city limits, and one by the whole county including Meridian.

Thirteenth – The county of Adams outside the city of Natchez shall have one representative and the city of Natchez one representative.

Fourteenth – The county of Lowndes shall have three representatives, two of whom shall be elected by that part of the county east of the Tombigbee River, and one by that portion of the county west of said river.

Fifteenth – The county of Oktibbeha shall have two representatives, one of whom shall be elect
ed by that portion of the county east of the line running north and south between ranges thirteen and fourteen, and the other by that portion of the county west of said line.

Sixteenth – The county of Lee shall have two representatives, the county of Itawamba one, and a floater between them.

Seventeenth – In counties divided into legislative districts, any citizen of the county eligible for election to the House of Representatives shall be eligible to represent any district thereof.

THE SENATE

Sec. 255. The number of senators shall be forty-five and are apportioned as follows:

First – The counties of Hancock, Harrison and Jackson shall constitute the first district, and elect one senator.

Second – The counties of Wayne, Jones, Perry and Greene the second district, and elect one senator.

Third – The counties of Jasper and Clarke the third district, and elect one senator.

Fourth – The counties of Simpson, Covington, Marion and Pearl River, the fourth district, and elect one senator.

Fifth – The counties of Rankin and Smith the fifth district, and elect one senator.

Sixth – The counties of Pike and Franklin the sixth district, and elect one senator.

Seventh – The counties of Amite and Wilkinson the seventh district, and elect one senator.

Eighth – The counties of Lincoln and Lawrence the eighth district, and elect one senator.

Ninth – The county of Adams the ninth district, and elect one senator.

Tenth – The counties of Claiborne and Jefferson the tenth district, and elect one senator.

Eleventh – The county of Copiah the eleventh district, and elect one senator.

Twelfth – The counties of Hinds and Warren, the twelfth district, and elect one senator each and a senator between them, to be chosen from the counties alternately, beginning with Hinds.

Thirteenth – The counties of Scott and Newton the thirteenth district, and elect one senator.

Fourteenth – The county of Lauderdale, the fourteenth district, and elect one senator.

Fifteenth – The counties of Kemper and Winston the fifteenth district, and elect one senator.

Sixteenth – The county of Noxubee the sixteenth district, and elect one senator.

Seventeenth – The counties of Leake and Neshoba the seventeenth district, and elect one senator.

Eighteenth – The county of Madison the eighteenth district, and elect one senator.

Nineteenth – The county of Yazoo the nineteenth district, and elect one senator.

Twentieth – The counties of Sharkey and Issaquena the twentieth district, and elect one senator.

Twenty-first – The county of Holmes the twenty-first district, and elect one senator.

Twenty-second – The county of Attala the twenty-second district, and elect one senator.

Twenty-third – The counties of Oktibbeha and Choctaw the twenty-third district, and elect one senator.

Twenty-fourth – The counties of Clay and Webster the twenty-fourth district, and elect one senator.

Twenty-fifth – The county of Lowndes the twenty-fifth district, and elect one senator.

Twenty-sixth – The counties of Carroll and Montgomery the twenty-sixth district, and elect one senator.

Twenty-seventh – The counties of Leflore and Tallahatchie the twenty-seventh district, and elect one senator.

Twenty-eighth – The counties of Yalobusha and Grenada the twenty-eighth district, and elect one senator.

Twenty-ninth – The counties of Washington and Sunflower the twenty-ninth district; the county of Washington shall elect one senator, and the counties of Washington and Sunflower a senator between them.

Thirtieth – The county of Bolivar the thirtieth district, and elect one senator.

Thirty-first – The counties of Chickasaw, Calhoun and Pontotoc the thirty-first district, and elect two senators; both senators shall at no time be chosen from the same county.

Thirty-second – The county of Lafayette the thirty-second district, and elect one senator.

Thirty-third – The county of Panola the thirty-third district, and elect one senator.

Thirty-fourth – The counties of Coahoma, Tunica and Quitman the thirty-fourth district, and elect one senator.

Thirty-fifth – The county of DeSoto the thirty-fifth district, and elect one senator.

Thirty-sixth – The counties of Union, Tippah, Benton, Marshall and Tate the thirty-sixth district, and elect three senators. The counties of Tate and Benton shall be entitled to one; the counties of Union and Tippah one; and the county of Marshall one.

Thirty-seventh – The counties of Tishomingo, Alcorn and Prentiss the thirty-seventh district, and elect one senator.

Thirty-eighth – The counties of Monore, Lee and Itawamba the thirty-eighth district, and elect two senators, one of whom shall be a resident of the county of Monroe and the other a resident of Lee or Itawamba counties.

Sec. 256. The legislature may at the first session after the State census of 1895 and decennially thereafter, make a new apportionment of Senators and Representatives. At each apportionment, each county then organized shall have at least one Representative. New counties afterwards created shall be represented as may be provided by law, until the next succeeding apportionment. The counties of Tishomingo, Alcorn, Prentiss, Lee, Itawamba, Tippah, Union, Benton, Marshall, Lafayette, Pontotoc, Monroe, Chickasaw, Calhoun, Yalobusha, Grenada, Carroll, Montgomery, Choctaw, Webster, Clay, Lowndes and Oktibbeha, or the territory now composing them, shall together never have less than forty-four representatives. The counties of Attala, Winston, Noxubee, Kemper, Leake, Neshoba, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Franklin, Lincoln, Lawrence, Covington, Jones, Wayne, Greene, Perry, Marion, Pike, Pearl River, Hancock, Harrison and Jackson, or the territory now composing them, shall together never have less than forty-four representatives; nor shall the remaining counties of the State, or the territory now composing them, ever have less than forty-four representatives. A reduction in the number of senators and representatives may be made by the legislature if the same be uniform in each of the three said divisions; but the number of representatives shall not be less than one hundred, nor more than one hundred and thirty-three; nor the number of senators less than thirty, nor more than forty-five.

ARTICLE 14 – GENERAL PROVISIONS

Sec. 257. The political year of the State of Mississippi shall commence on the first Monday of January in each year.

Sec. 258. The credit of the State shall not be pledged or loaned in aid of any person, association or corporation; and the State shall not become a stockholder in any corporation or association, nor assume, redeem, secure or pay any indebtedness or pretended indebtedness alleged to be due by the State of Mississippi, to any person, association or corporation whatsoever, claiming the same as owners, holders or assignees of any bond or bonds, now generally known as "Union Bank" bonds and "Planters’ Bank" bonds.

Sec. 259. No county seat shall be removed unless such removal be authorized by two-thirds of the electors of the county voting therefor; but when the proposed removal shall be towards the center of the county, it may be made when a majority of the electors participating in the election shall vote therefor.

Sec. 260. No new county shall be formed unless a majority of the qualified electors voting in each part of the county or counties proposed to be dismembered and embraced in the new county, shall separately vote therefor; nor shall the boundary of any judicial district in a county be changed unless at an election held for that purpose, two-thirds of those voting assent thereto. The elections provided for in this and the section next

preceding shall not be held in any county oftener than once in four years. No new county shall contain less than four hundred square miles; nor shall any existing county be reduced below that size.

Sec. 261. The expenses of criminal prosecutions, except those before justices of the peace, shall be borne by the county in which such prosecutions shall be begun; and all net fines and forfeitures shall be paid into the treasury of such county. Defendants in cases of conviction may be taxed with the costs.

Sec. 262. The board of supervisors shall have power to provide homes or farms as asylums for those persons, who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of society; and the legislature shall enact suitable laws to prevent abuses by those having the care of such persons.

Sec. 263. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

Sec. 264. No person shall be a grand or petit juror unless a qualified elector and able to read and write; but the want of any such qualification in any juror shall not vitiate any indictment or verdict. The legislature shall provide by law for procuring a list of persons so qualified, and the drawing therefrom of grand and petit jurors for each term of the circuit court.

Sec. 265. No person who denies the existence of a Supreme Being shall hold any office in this State.

Sec. 266. No person holding or exercising the rights or powers of any office of honor or profit, either in his own right, or as a deputy, or while otherwise acting for or in the name, or by the authority of another, under any foreign government, or under the government of the United States, shall hold or exercise in any way the rights and powers of any office of honor or profit under the laws or authority of this State, except notaries, commissioners of deeds, and United States commissioners.

Sec. 267. No person elected or appointed to any office or employment of profit under the laws of this State, or by virtue of any ordinance of any municipality of this State, shall hold such office or employment without personally devoting his time to the performance of the duties thereof.

Sec. 268. All officers elected or appointed to any office in this State, except judges and members of the legislature, shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath: "I_____, do solemnly swear (or affirm) that I will faithfully support the constitution of the United States, and the constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of _____; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

Sec. 269. Every devise or bequest of lands, tenements or hereditaments, or any interest therein, of freehold, or less than freehold, either present or future, vested or contingent, or of any money directed to be raised by the sale thereof, contained in any last will and testament, or codicil, or other testamentary writing, in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical society, or to any religious denomination, or association of persons, or to any person or body politic, in trust, either expressed or implied, secret or resulting, either for the use and benefit of such religious corporation, society, denomination or association, or for the purpose of being given or appropriated to charitable uses or purposes, shall be null and void, and the heir-at-law shall take the same property so devised or bequeathed, as though no testamentary disposition had been made.

Sec. 270. Every legacy, gift or bequest, of money or personal property, or of any interest, benefit or use therein, either direct, implied or otherwise, contained in any last will and testament or codicil, in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical society, or to any religious denomination or association, either for its own use or benefit, or for the purpose of being given or appropriated to charitable uses, shall be null and void, and the distributees shall take the same as through no such testamentary disposition had been made.

Sec. 271. The legislature may provide for the consolidation of existing counties, if a majority of the qualified electors of such counties voting at an election held for that purpose, shall vote therefor.

Sec. 272. The legislature shall provide by law, pensions for indigent soldiers and sailors who enlisted and honorably served in the Confederate army or navy in the late civil war, who are now resident in this State, and are not able to earn a support by their own labor. Pensions shall also be allowed to the indigent widows of such soldiers or sailors now dead, when from age or disease, they cannot earn a support. Pensions shall also be allowed to the wives of such soldiers or sailors upon the death of the husband, if disabled and indigent as aforesaid. Pensions granted to widows shall cease upon their subsequent marriage.

ARTICLE 15 – AMENDMENTS TO THE CONSTITUTION

Sec. 273. Whenever two-thirds of each house of the legislature shall deem any change, alteration, or amendment necessary to this constitution, such proposed change, alteration or amendment shall be read and passed by a two-third’s vote of each house respectively, on each day, for three several days; public notice shall then be given by the secretary of state, at least three months preceding an election, at which the qualified electors shall vote directly for or against such change, alteration or amendment; and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting, shall have voted for the proposed change, alteration or amendment, then it shall be inserted by the next succeeding legislature as a part of this constitution, and not otherwise.

SCHEDULE

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the new constitution into complete operation, it is hereby declared that –

Sec. 274. The laws of this State now in force, not repugnant to this constitution, shall remain in force until amended or repealed by the legislature or until they expire by limitation. All statute laws of this State repugnant to the provisions of this constitution, except as provided in the next three sections, shall continue and remain in force until the first day of April, A.D., 1892, unless sooner repealed by the legislature.

Sec. 275. All laws of this State which are repugnant to the following portions of this constitution, shall be repealed by the adoption of this constitution, to-wit: laws repugnant to:

(a) All the ordinances of this convention.
(b) The provisions of section 183, prohibiting counties, cities and towns from voting subscriptions to railroad and other corporations or associations.
(c) The provisions of sections 223 to 226, inclusive, of Article 10, prohibiting the leasing of penitentiary convicts.

Sec. 276. All laws of the State which are repugnant to the provisions of sections 240 to 253, inclusive, of Article 12, on the subject of franchise and elections, shall be and remain in force until the first day of January, A.D., 1891, and no longer.

Sec. 277. All laws of this State which are repugnant to the provisions of Article 13, sections 254 to 256, inclusive, on the subject of the apportionment of representatives and senators in the legislature, shall be and remain in force until the first day of October, A.D., 1891, but no longer.

Sec. 278. The governor shall as soon as practicable, appoint three suitable persons learned in the law, as commissioners whose duty it shall be to prepare and draft such general laws as are contemplated in this constitution and such other laws as shall be necessary and proper to put into operation the provisions thereof, and as may be appropriate to conform the general statutes of the State to the constitution. Said commissioners shall present the same when prepared to the legislature at its next regular session. And the legislature shall provide reasonable compensation therefor.

Sec. 279. All writs, actions, causes of action, proceedings, prosecutions and rights of individuals and bodies corporate and of the State, and charters of incorporation, shall continue; and all indictments which shall have been found or which shall hereafter be found, and all prosecutions begun, or that may be begun, for any crime or offense committed before the adoption of this constitution may be proceeded with and upon as if no change had taken place.

Sec. 280. For the trial and determination of all suits, civil and criminal, begun before the adoption of this constitution, the several courts of this State shall continue to exercise in said suits the powers and jurisdictions heretofore exercised by them; for all other matters said courts are continued as organized courts under this constitution, with such powers and jurisdiction as is herein conferred on them respectively.

Sec. 281. All fines, penalties, forfeitures and escheats accruing to the State of Mississippi under the constitution and laws heretofore in force shall accrue to the use of the State of Mississippi under this constitution, except as herein otherwise provided.

Sec. 282. All recognizances, bonds, obligations, and all other instruments entered into, or executed, before the adoption of this constitution, to the State of Mississippi, or to any State, county, public or municipal officer or body, shall remain binding and valid, and the rights and liabilities upon the same shall be continued and may be prosecuted as provided by law.

Sec. 283. All crimes and misdemeanors, and penal actions shall be tried, prosecuted and punished as though no change had taken place, until otherwise provided by law.

Sec. 284. All officers, State, district, county and municipal, now in office in this State, shall be entitled to hold the respective offices now held by them, except as otherwise herein provided, and until the expiration of the time for which they were respectively elected or appointed; and shall receive the compensation and fees now fixed by the statute laws in force when this constitution is adopted.

Sec. 285. The adoption of this constitution shall not have the effect, nor shall it be construed, to revive or put in force any law heretofore abrogated or repealed.

This constitution adopted by the people of Mississippi in convention assembled, shall be in force and effect from and after this, the first day of November, A.D., 1890.

S. S. Calhoon
President and Delegate from Hinds County.

Attest:
R. E. Wilson, *Secretary*.
E. L. Martin, *Ass't Sec'y and Recording Clerk*.
H. Denio, *Ass't Sec'y and Journal Clerk.*
W. H. Madden, *Ass't Sec'y, and Engrossing and Enrolling Clerk.*

ORDINANCES

ELECTION ORDINANCES

Be it ordained by the people of Mississippi in Convention assembled

Section 1. All ballots in all elections held in this State shall be printed and distributed at public expense, as hereinafter provided, and shall be known as "official ballots." The expense of printing all such ballots shall be paid out of the respective county treasuries, except that in municipal elections such expenses shall be paid by the respective cities or towns.

Sec. 2. The ballots printed for use under this ordinance shall contain the names of all the candidates who have been put in nomination not less than fifteen days previous to the day of election, by any convention, or other nominating body, or at a primary election of any political party in this State. It shall be the duty of one of the commissioners of election, designated for that purpose in his commission by the authority appointing said commissioner, to have printed all necessary ballots for use in said elections, except ballots in municipal elections, which shall be printed as herein provided by the authorities of the respective municipalities; and said officer shall cause to be printed by a printer, sworn to keep secret said ballots under penalties to be prescribed by law, the names of all candidates so nominated, upon the written request of any one or more of the candidates so nominated, or of any qualified elector who will affirm that he was a member of such convention or other nominating body, or participant in such primary election, and that the name presented by him was the nominee of said convention or nominating body, or primary election. Said commissioner shall also cause to be printed on said ballots the name of any qualified elector who has been requested to be a candidate for any office by a written petition signed by at least fifteen qualified electors, for any beat office or municipal office in any town of less than two hundred inhabitants, or fifty qualified electors for any other office, and when said petition or request has been presented to said commissioner not less than fifteen days before the election; but if any qualified elector has been nominated as aforesaid or has been requested to be a candidate as above specified less than fifteen days before any election, then the name of such candidate shall not be printed upon said ballots. There shall be on said ballots one blank space under the title of each office to be voted for and in the event of the death of any candidate whose name shall have been printed, on the official ballot, the name of the candidate duly substituted in place of such deceased candidate may be written in such blank space by the voter.

Sec. 3. After the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for office, said officer shall not omit the name from the ballot unless upon the written request of the candidate so nominated made at least ten days before the election.

Sec. 4. Every ballot printed by virtue of this ordinance shall contain the names of all candidates nominated as hereinbefore specified and not duly withdrawn. The arrangement of the names of all of the candidates and the order in which the titles of the various officers to be voted for shall be made, and the size, print and quality of official ballot, is left to the sound judgment of the officer charged with printing said ballots; but the arrangement need not be uniform. It shall be the duty of the secretary of state, with the approval of the governor, to furnish the commissioners of the several counties a sample of an official ballot, the general form of which shall be followed as nearly as

practicable. Whenever the question of a constitutional amendment or other question or matter, admitting of an affirmative or negative vote, is submitted to a vote of the electors, such amendment, question or matter shall be printed on said official ballot, together with the names of the candidates, if any, and also the words yea and nay, to be arranged by the proper officer so that the voter can intelligently vote his preference by making a cross-mark (x) opposite the word indicating his preference; immediately following the title of each office shall be printed the words "Vote for one," or "Vote for two," or more according to the number to be elected. On the back, and outside of the ballot shall be printed "official ballot," the name of the voting precinct or place for which said ballot is prepared and the date of the election.

Sec. 5. All official ballots intended for use at any voting precinct or place of voting shall be fastened together in convenient numbers and in some secure manner, but in such way that such ballots may be detached for use. A record of the number of official ballots printed and furnished to each voting precinct or place of voting, shall be kept and all such ballots accounted for by the officer or officers in each county charged with the printing of the ballots.

Sec. 6. The officers charged with distributing or printing and distributing the official ballots, shall ascertain from the circuit clerk or other proper officer, at least ten days before the day of election, the number of registered voters in each election district, and shall also prepare full instructions for the guidance of electors at elections as to obtaining ballots, as to the manner of marking them, and as to obtaining new ballots in place of those accidentally spoiled, and such instructions shall be printed in large, clear type, on "cards of instruction," and said commissioners shall furnish the same in sufficient numbers for the use of electors, and said cards shall be preserved by all officers of elections as far as practicable, and returned by them to the commissioners of election and may be used, if applicable, in subsequent elections.

Sec. 7. The said commissioner of election shall appoint one or more deputy commissioners, from the respective election districts and deliver to them the proper number of ballots and cards of instruction, not less than one day before the election, and the deputy commissioners so selected to receive said ballots, shall be conservators of the peace and shall take an oath, to be administered by said commissioner, faithfully to perform their duties and not to attempt to guide, direct or influence any voter in the exercise of his right to vote.

Sec. 8. In case the official ballot prepared, shall be lost or destroyed, or in case of the death of any candidate whose name has been printed on the official ballot, the said commissioner, or his deputy, shall have like ballots furnished in place of those lost or destroyed, if time remains therefor. If from any cause there should be no official ballot at a precinct and no sufficient time in which to have them printed, such ballots may be written, but if written by any one except the voter alone, for himself, the names of all candidates shall be written thereon without any special mark or device by which one name may be distinguished from another, and such tickets shall be marked by the voter as provided for printed ballots. Within three days after election day the inspectors shall

report in writing to the commissioners of election, under oath, the loss of the official ballots, the number lost, and all facts connected therewith, which report the commissioners may deliver to the grand jury if deemed advisable.

Sec. 9. The deputy commissioners receiving the ballots from said commissioner shall distribute the same to the electors of the proper districts in the manner herein provided; and in case the said deputy commissioner shall fail to have said ballots at the election precincts at the proper time, or, if there, he shall fail to distribute the same, the inspectors of election, or those of them present at the election, shall provide said ballots and select some suitable person to distribute the same according to law, who shall take the oath required to be taken by the person to whom the said commissioner delivered said ballots, to be administered by any one of said inspectors.

Sec. 10. The sheriffs of the several counties in this State shall procure for their respective counties a sufficient number of voting compartments, shelves and tables for the use of electors, which shall be so arranged that it shall be impossible for one voter at one table, shelf or compartment to see another voter who is preparing his ballot. The number of such voting shelves, tables or compartments, shall not be less than one for every one hundred electors at each voting precinct. Each shelf, table and compartment, shall be furnished with a card of instruction posted in each compartment, and proper supplies for marking the ballots by electors.

Sec. 11. The deputy commissioners having the official ballots shall remain at a place convenient to the tables, shelves and compartments, for the distribution of ballots. When requested by each of the voters, the deputy commissioners aforesaid shall hand him an official ballot.

Sec. 12. On receiving his ballot the voter shall forthwith go into one of the voting compartments, and shall prepare his ballot by marking with ink in the appropriate margin or place, a cross (x) opposite the name of the candidate of his choice, for each office to be filled, or by filling in the name of the candidate substituted in the blank space as provided therefor, and marking a cross (x) opposite thereto, and likewise a cross (x) opposite the answer he desires to give in case of an election on a constitutional amendment or other question or matter. Before leaving the voting shelf, table or compartment, the voter shall fold his ballot without displaying the marks thereon, but so that the words "official ballot," followed by the designation of the election precinct for which the ballot is prepared and the date of the election, shall be visible to the officers of the election. He shall then cast his ballot in the manner provided by law, which shall be done without undue delay, C and the voter shall then quit the said inclosed place as soon as he has voted. No voter shall be allowed to occupy a voting shelf, table, or compartment already occupied by another voter, nor longer than ten minutes if other voters are not waiting, nor longer than five minutes in case other voters are waiting. No person shall be allowed in the room in which said ballot boxes or compartments, tables and shelves are, except the officers of election and the person distributing the ballots, and those appointed by the officers holding the election, to aid them therein.

Sec. 13. No person shall take or remove any ballot from a polling place before the close of the polls. If any voter spoils a ballot he may obtain others, one at a time, not exceeding three in all, upon returning each spoiled one.

Sec. 14. Any voter who declares to the person or persons having the official ballots that by reason of blindness or other physical disability he is unable to mark his ballot, shall upon request secure the assistance of said person or one of the election inspectors in the marking thereof, and such person or officer shall certify on the outside of said ballot that it was marked with his assistance and shall not otherwise give information in regard to the same.

Sec. 15. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine from the ballot the voter's choice for any office voted for, his ballot so cast shall not be counted. No ballot not provided in accordance with this ordinance shall be deposited or counted.

Sec. 16. Any voter who shall, except as herein provided, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him, or any person who shall interfere or attempt to interfere with any voter when inside said inclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and the election officers shall cause any person so doing to be arrested and carried before the proper officer or tribunal for commitment and trial for such offense.

Sec. 17. Any commissioner of election, or any other officer or person acting as such or performing election duty, who shall wilfully or knowingly refuse or fail to perform the duties herein required of him, or who shall violate any provision of this ordinance, shall be guilty of a misdemeanor and be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the county jail not less than ten nor more than ninety days, or both, at the discretion of the court.

Sec. 18. The legislature shall have power to enact laws on the subjects of this ordinance, necessary for its efficiency, and not inconsistent with its true intent and meaning. After January 1st, 1896, this ordinance may be repealed or amended by the legislature; but shall not be amended so as to conflict with any provisions of this constitution. All laws and parts of laws in conflict with any of the provisions of this ordinance are hereby annulled, and this ordinance shall take effect and be in force from and after the first day of January, A.D., 1891.

Sec. 19. The boards of supervisors of the several counties, and the municipal authorities of the cities and towns of the State, are authorized to allow reasonable compensation to officers for services under this ordinance.

Adopted by the Convention November 1, 1890.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

An Ordinance extending terms of State officers

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. The terms of the following State officers, to-wit: governor, lieutenant-governor, attorney-general, treasurer, auditor, secretary of state, superintendent of education and clerk of the supreme court, are hereby extended until the first Monday in January, 1896; and vacancies in the offices, the terms of which are hereby extended, shall be filled by appointment by the governor except as otherwise provided in this constitution.

Sec. 2. The persons whose terms of office are hereby extended shall be ineligible to immediately succeed themselves. And all bonded officers whose terms are hereby extended shall execute new official bonds on or before the date at which, but for this extension, their present terms of office would have expired; and in case of any failure to execute such bond the office shall thereby become vacant.

Sec. 3. A general election shall be held under this constitution on the first Tuesday after the first Monday in November, 1891, for three railroad commissioners and for members of the legislature, district attorneys, and county and county district officers, whose term shall expire on the first Monday in January, A.D., 1896.

Sec. 4. There shall be a registration of the electors qualified under such provisions of this constitution which are operative prior to the election in 1891, and such registration shall be made by the proper officers, and in the manner now prescribed by law when the same is not inconsistent with the provisions of the constitution operative as aforesaid, and when repugnant, then according to the provisions thereof. The board of supervisors of the several counties shall provide proper registration books with the oath required by Section 242 of this constitution.

An Ordinance making an appropriation to defray the expense of the Convention

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. That there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, a sum sufficient to defray the expenses of the convention; and the auditor of public accounts is authorized to issue his warrants upon the treasurer, and the treasurer is authorized to pay the same for such sums as the Convention may direct and duly certify through its proper officers.

Adopted by the Convention October 4, 1890.

S.S. Calhoon, *President.*
Attest:
R. E. Wilson, *Secretary*.

An Ordinance to provide for raising money to defray the expenses of the Convention

Be it ordained by the people of Mississippi in Convention assembled:

Section 1. That the State Treasurer be authorized, with the consent and approval of the Governor, if it shall be deemed necessary, to negotiate a loan of not exceeding fifty thousand dollars, for a period of not more than four months, on such reasonable terms as the Governor shall approve, for the purpose of defraying the expenses of the Convention and for replacing moneys used for that purpose.

Sec. 2. That the faith of the State be pledged for the repayment of such loan; and the Treasurer is hereby authorized to hypothecate the $46,000 of unsold bonds issued in pursuance of the act approved March 15, 1884, and to sell the same for the purpose of raising the money to pay such loans, if he and the Governor shall deem the same necessary or proper.

Adopted by the Convention October 8, 1890.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

Penitentiary Ordinance

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. With the view of enabling the legislature at its next session to have before it the necessary information upon which to act, if it should determine to establish a penitentiary farm, it is made the duty of the governor to appoint five commissioners, who shall, prior to the next session of the legislature, carefully inspect such bodies of land as may be thought suitable for such location; and who shall make report to the governor as to the several advantages of the bodies of land inspected by them and as to the propriety of establishing such farm or some other system, and as to the advantages of each, cost, and other proper matters, to be laid by the governor before the legislature with such recommendation as he may see proper to make.

Adopted by the Convention November 1, 1890.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

Land Commissioner Ordinance

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. The legislature at its next regular session shall provide for the election of a land commissioner at the general election to be held in 1895 whose term of office shall be four years, and whose only compensation shall be a salary to be fixed by law. He shall have charge of the swamp and overflowed lands, the internal improvement lands, the records of the office of surveyor-general turned over by the United States to this State, the Chickasaw school lands, the sixteenth section and indemnity lands for the sixteenth section outside of the Chickasaw cession, the lands forfeited for non-payment of taxes after the time allowed for exemption shall have expired, and of all other public lands and land records in this State not otherwise provided for. The legislature shall enact such other laws as shall be necessary to fully carry this ordinance into effect; and shall have power to abolish said office when the interests of the State demand it, or may add to any of the duties assigned to such officer.

Adopted by the Convention November 1, 1890.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

Swamp Land Ordinance

Be it ordained by the people of Mississippi in Convention assembled –

Whereas, Doubts have arisen as to the title of original purchasers of certain swamp and overflowed lands by reason of the entry of said lands with the land script of counties other than the county in which said lands were situated; and

Whereas, By act of the legislature of the State of Mississippi approved February 17, 1890, "all persons now holding swamp lands under such invalid purchase shall have the right to purchase the same for a period of two years at the uniform price of 12 1/2 cents per acre" upon the terms required by said act; therefore

Section 1. Be it ordained that the State of Mississippi hereby waives the payment of said sum named in said act, and disclaims any interest or title in and to the said lands on account of erroneous locations thereof.

Adopted by Convention November 1st, 1890.

S.S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

Levee Ordinances

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. For the purpose of raising the money necessary to repair, elevate, strengthen and complete the levees along the Mississippi River, within the Mississippi Levee District, composed of the counties of Bolivar, Washington, Issaquena and Sharkey, and a part of Warren county, the board of Mississippi levee commissioners are hereby authorized to issue lithographed or engraved bonds to the amount of five hundred thousand dollars, in such form, bearing such rate of interest and payable at such time, as it may determine, with coupons for interest attached, and to dispose of the same from time to time as may be necessary; but such bonds shall not run for a longer time than fifty years, nor bear a rate of interest exceeding six per centum per annum, payable semi-annually in the city of New York. The signatures to the said coupons may be lithographed, but all such bonds so issued shall be signed by the president of said board, countersigned by its treasurer with the corporate seal of the board attached, numbered consecutively, and registered in a book to be kept for that purpose.

Sec. 2. The corporate organization of the board of Mississippi levee commissioners, and the tax herein directed to be levied, together with the taxes heretofore levied or authorized by the legislature for levee purposes, shall be continued to the extent and according to the terms of the several laws levying or authorizing said taxes until all the bonds issued by virtue of and under the authority contained in the preceding section of this ordinance are paid off and discharged; and said taxes are pledged for the payment thereof and of the coupons of interest thereto attached, subject however to the provisions of this Constitution.

Adopted by the Convention November 1, 1890.

S. S. Calhoon, *President.*
Attest:
R. E. Wilson, *Secretary*.

An Ordinance to provide for representation of Pearl River county in the legislature in the event of a called session thereof

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. That in case the governor shall convene the legislature in extraordinary session before the next general election to be held under this constitution, the board of supervisors of Pearl River county shall order an election therein for a member of the house of representatives, to be held not less than ten days before the assembling of the legislature, and under the rules and regulations now prescribed by law for holding such elections; and said county shall be entitled to one representative in the lower house of the legislature in such extraordinary session, if called.

Adopted by the Convention November 1, 1890.

S. S. Calhoon, *President*

An Ordinance assigning the county of Pearl River of the Sixth Congressional District

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. That the county of Pearl River as created by the act approved February 22, 1890, be and the same is hereby attached to and shall become a part of the Sixth Congressional District of this State, until otherwise provided by law; and that the qualified electors of said county be, and they are hereby authorized and empowered to vote at the next ensuing election for members of Congress from the said Sixth District, at the same time and in the same manner as other qualified electors in the other counties now attached to, and composing the Sixth District.

Adopted by the Convention August 21, 1890.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

An Ordinance to legalize the assessment in Pearl River county, during the year 1890, and to authorize a new assessment of lands therein during the year 1891.

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. That the board of supervisors of Pearl River county shall hold a meeting at the court-house of said county on the first Monday in January, 1891, for the purpose of hearing complaints against the assessment of real estate of said county; and all persons having cause of complaint against said assessment, are required to present the same on or before said day, after being considered as above provided, and all complaints passed on, and said assessment being then approved shall be binding and conclusive.

Sec. 2. That the board of supervisors of Pearl River county is authorized, in its discretion, to have made an assessment of the lands of said county during the year 1891 in the same manner in all respects as is provided by law for a general assessment of lands; which assessment when so made, and approved by the board of supervisors, shall have the same force and effect as though made at the time fixed by law for the assessment of lands.

Adopted by the Convention November 1, 1890.

S. S . Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.

Exemption Ordinance

Be it ordained by the people of Mississippi in Convention assembled –

Section 1. That all permanent factories hereafter established in this State while this section is in force, for working cotton, wool, silk, furs or metals, and all others manufacturing implements or articles of use in a finished state, shall be exempt from taxation for a period of ten years. Any factory which has been abandoned for not less than three years, and commencing operations within two years from the date of the adoption of this constitution, shall be entitled to such exemptions. This section may be repealed or amended by the legislature after five years, and if not so repealed, shall remain in force until January 1st, 1900, and no longer.

S. S. Calhoon, *President*.
Attest:
R. E. Wilson, *Secretary*.