1868 Constitution of the State of Mississippi

Adopted in Convention 15th day of May, A. D. 1868, and Ratified by the People 1st day of December, A. D. 1869.

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Mississippi, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution:

ARTICLE I. - Bill of Rights

Section 1. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

Sec. 2. No person shall be deprived of life, liberty, or property, except by due process of law.

Sec. 3. 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.

Sec. 4. The freedom of speech and of the press shall be held sacred, and in all indictments for libel, the jury shall determine the law and the facts, under the direction of the Court.

Sec. 5. No person's life or liberty shall be twice placed in jeopardy for the same offense.

Sec. 6. The right of the people peaceably to assemble and petition the Government, on any subject, shall never be impaired.

Sec. 7. 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 a 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.

Sec. 8. Cruel or unusual punishment shall not be inflicted, nor shall excessive fines be imposed; 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. 9. No *ex post facto* law, or laws impairing the obligation of contracts, shall ever be passed.

Sec. 10. Private property shall not be taken for public use, except upon due compensation

first being made to the owner, or owners thereof, in a manner to be provided for by law.

Sec. 11. There shall be no imprisonment for debt.

Sec. 12. The right of trial by jury shall remain inviolate.

Sec. 13. No property qualification shall ever be required of any person to become a juror.

Sec. 14. 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. 15. All persons shall have a right to keep and bear arms for their defence.

Sec. 16. The rights of married women shall be protected by law in property owned previous to marriage; and also in all property acquired in good faith by purchase, gift, devise, or bequest after marriage; *Provided*, That nothing herein contained shall be so construed as to protect said property from being applied to the payment of their lawful debts.

Sec. 17. No property qualification for eligibility to office shall ever be required.

Sec. 18. No property or educational qualification shall ever be required for any person to become an elector.

Sec. 19. 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. 20. The right to withdraw from the Federal Union on account of any real or supposed grievances 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. 21. No public money, or moneys, shall be appropriated for any charitable or other public institution in this State, making any distinction among the citizens thereof; Provided, That nothing herein contained shall be so construed as to prevent the Legislature from appropriating the school fund in accordance with the article in this Constitution relating to public schools.

Sec. 22. No distinction shall ever be made by law between citizens and alien friends in reference to possession, enjoyment, or descent of property.

Sec. 23. No religious test, as a qualification for office, shall ever be required, and no preference shall ever 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 ever

be held sacred; Provided, 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.

Sec. 24. The right of all citizens to travel upon all public conveyances shall not be infringed upon, nor in any manner abridged, in this State.

Sec. 25. The military shall be in strict subordination to the civil power.

Sec. 26. 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. 27. No person's life shall be periled by the practice of dueling; and any person who shall hereafter fight a duel, or assist in the same, as second, or send, accept, or knowingly carry a challenge therefor, or go out of the State to fight a duel, shall be disqualified from holding any office under this Constitution, and shall forever be disfranchised in this State.

Sec. 28. 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 administered without sale, denial, or delay.

Sec. 29. No person shall be elected or appointed to any office in this State for life, or during good behavior, but the term of all offices shall be for some specified period.

Sec. 30. 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. 31. 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; Provided, That the Legislature, in cases of petit larceny, assaults, assault and battery, affray, riot, unlawful assembly, drunkenness, vagrancy, and other misdemeanors of like character, may dispense with an inquest of a Grand Jury, and may authorize prosecutions before Justices of the Peace, or such other inferior Court or Courts as may be established by the Legislature; and the proceedings in such cases shall be regulated by law.

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 II. - Boundaries of the State

The limits and boundaries of the State of Mississippi shall remain as now established by law.

ARTICLE III. - 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 of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE IV. - Legislative Department

Section 1. The Legislative power of this State shall be vested in the Legislature, which shall consist of a Senate and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every second year, by the qualified electors of the several counties.

Sec. 3. No person shall be a member of the House of Representatives who shall not be an elector under this Constitution, and who shall not, at the time of his election, have an actual residence in the District he may be chosen to represent.

Sec. 4. The Senate shall consist of members to be chosen every four years, by the qualified electors of the several districts.

Sec. 5. No person shall be a Senator who shall not have attained the age of twenty-five years, who shall not have been an inhabitant of the State one year, and who shall not have an actual residence in the district he may be chosen to represent.

Sec. 6. The political year shall begin on the first Monday of January, and the Legislature shall meet annually on the first Tuesday after the first Monday in January, at the seat of Government, unless sooner convened by the Governor, until altered by law.

Sec. 7. All general elections shall be by ballot, and shall commence and be holden every two 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 of elections, and in going to and returning therefrom.

Sec. 8. Election for members of the Legislature shall be held in the several counties and districts as shall be provided by law.

Sec. 9. 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.

Sec. 10. Each House shall appoint its own officers, and shall judge of the qualifications, returns, and election of its own members.

Sec. 11. The Senate shall choose a President *pro tempore*, to act in the absence or disability of the Lieutenant Governor.

Sec. 12. 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. 13. 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. 14. 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 shall be expelled a second time for the same offense. They shall each, from time to time, publish a journal 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; *Provided*, That the yeas and nays shall always be entered on the journal on the passage of a bill appropriating money.

Sec. 15. 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 their presence, or in any way disturb their deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

Sec. 16. No person liable 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. 17. No person shall be eligible to any office of profit or trust, nor shall he be permitted to exercise the right of suffrage within this State, who shall have been convicted of bribery, perjury, or other infamous crime.

Sec. 18. 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 being an elector, or holding any office of profit or trust under the laws of this State.

Sec. 19. Senators and Representatives shall, in all cases, except treason, felony, 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.

Sec. 20. The members of the Legislature shall severally receive, from the public Treasury, compensation for their services, 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. 21. The Legislature shall direct, by law, in what Courts, and in what manner suits may be brought against the State.

Sec. 22. The Legislature shall not have power to pass any bill of divorce; but may prescribe, by law, the manner in which cases shall be investigated in the Courts of justice, and divorces granted.

Sec. 23. 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, having passed both Houses, shall be signed by the President of the Senate, and the Speaker of the House of Representatives, in open session.

Sec. 24. Every bill which has passed both Houses, shall be presented to the Governor of the State. If he approves, he shall sign it; but if he does not approve, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large upon their 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 or 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 be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevented its return, in which case it shall be a law unless sent back within three days after its next meeting.

Sec. 25. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary (except on questions of adjournment), shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed by two-thirds of both Houses, according to the rules of limitation prescribed in all cases of a bill.

Sec. 26. No money shall be drawn from the Treasury, except on appropriation made by law.

Sec. 27. 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 upon oath, or

affirmation, to do justice, according to law and evidence.

Sec. 28. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Sec. 29. When the Governor shall be tried, the Chief Justice of the Supreme Court shall preside, and no person shall be convicted without the concurrence of two-thirds of all the Senators present.

Sec. 30. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment, according to law.

Sec. 31. 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; *Provided*, The cause or causes of removal be spread on the journal, and the party charged be notified of the same before the vote is finally taken and decided, and shall have an opportunity to be heard by himself, or counsel, or both.

Sec. 32. The style of the laws of the State shall be: "Be it enacted by the Legislature of the State of Mississippi."

Sec. 33. The Legislature shall provide for the enumeration of the whole number of inhabitants, and of the qualified electors of the State, once in every ten years; and the first enumeration shall be ordered at the first meeting of the Legislature under this Constitution.

Sec. 34. The number of Representatives shall, at the several periods of making such enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not be less than one hundred, nor more than one hundred and twenty.

Sec. 35. The number of Senators shall, upon each enumeration made, be apportioned according to the number of qualified electors in the several districts, and shall never be less than one-fourth, nor more than one-third the whole number of Representatives.

Sec. 36. The Senators, on being convened after the first election, shall be divided by lot from their respective Congressional districts into two classes, as nearly equal as can be, and the seats of the first class shall be vacated at the expiration of the second year.

Sec. 37. The Legislature shall provide for the organization of new counties, locating county seats, and changing county lines; but no county shall be organized, nor the lines of any county changed so as to include an area of less than four hundred, nor more than six hundred and twenty-five square miles.

Sec. 38. No Senator or Representative, during the term for which he was elected, shall be appointed to any office of profit under this State, 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. 39. The Legislature shall provide by law for determining contested elections.

ARTICLE V. - Executive

Section 1. The chief executive power of this State shall be vested in a Governor, who shall hold his office for four years.

Sec. 2. The Governor shall be elected by the qualified electors of the State. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the Legislature, during the first week of which session, the said Speaker shall open, and publish them in presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, if two or more shall be equal and highest in votes, then one of them shall be chosen Governor by the joint ballot of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature, in such manner as shall be prescribed by law.

Sec. 3. The Governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, shall have resided in this State two years next preceding the day of his election.

Sec. 4. He shall receive for his services such compensation as shall be provided by law.

Sec. 5. He 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. 6. He may require information, in writing, from the officers in the Executive Department, on any subject relating to the duties of their respective offices.

Sec. 7. He may, in cases of emergency, convene the Legislature at the seat of Government, or at a different place, if that shall have 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. 8. He shall, from time to time, give the Legislature information of the state of the Government, and recommend to their consideration such measures as he may deem necessary and expedient.

Sec. 9. It shall be his duty to see that the laws are faithfully executed.

Sec. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines, and in cases of forfeiture, to stay the collection until the end of the next session of the Legislature, and to remit forfeitures, by and with the consent of the Senate. 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.

Sec. 11. 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. 12. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the Great Seal of State, signed by the Governor, and be attested by the Secretary of State.

Sec. 13. All vacancies, not provided for in this Constitution, shall be filled in such manner as the Legislature may prescribe.

Sec. 14. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, and for the same term, and shall possess the same qualifications as the Governor.

Sec. 15. He shall, by virtue of his office, be President of the Senate. In Committee of the Whole, he may debate on 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. 16. He shall receive for his services such compensation as may be provided by law.

Sec. 17. 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, and receive the same compensation as the Governor, during the remainder of the said term. When the Governor shall be absent from the State, or unable, from protracted illness, to perform the duties of his office, the Lieutenant Governor shall discharge the duties of said office, and receive said compensation 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 is 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 receive the same compensation as the Governor; 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.

Sec. 18. In case the election for Lieutenant Governor shall be contested, it shall be decided in the same manner as that of the Governor.

Sec. 19. The Secretary of State shall be elected by the qualified electors of the State, shall be at least twenty-five years of age, and a citizen of the State one year next preceding the day of his election, and shall continue in office during the term of four years; he shall keep a correct register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and papers, minutes, and vouchers relative thereto, before the Legislature; and shall perform such other duties as may be required of him by law.

Sec. 20. A State Treasurer and Auditor of Public Accounts shall be elected by the qualified electors of the State, who shall hold their offices for the term of four years, unless sooner removed, and shall possess the same qualifications as the Secretary of State; and, together with the last named officer, shall receive such compensation as may be provided by law.

Sec. 21. A Sheriff, Coroner, Treasurer, Assessor, and Surveyor, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

Sec. 22. All officers named in this article shall hold their offices during the term for which they were elected, unless removed by impeachment or otherwise, and until their successors shall be duly qualified to enter on the discharge of their separate duties.

ARTICLE VI. - Judiciary

Section 1. The judicial power of the State shall be vested in a Supreme Court, and such other Courts of law and equity as are hereafter provided for in this Constitution.

Sec. 2. The Supreme Court shall consist of three Judges, who shall be appointed by the Governor, by and with the advice and consent of the Senate, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three Districts, and the Governor, by and with the advice and consent of the Senate, shall appoint one Judge for each District.

Sec. 3. 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. The term of office of the Judges of the Supreme Court shall be nine years.

Sec. 4. The Supreme Court shall have no jurisdiction but such as properly belongs to a Supreme Court.

Sec. 5. All vacancies which may occur in said Court, from death, resignation, or removal, shall be filled by appointment, as aforesaid; *Provided*, however, That if a vacancy shall occur during the recess of the Legislature, the Governor shall appoint a successor, who shall hold his office until the next meeting of the Legislature.

Sec. 6. 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 for two years immediately preceding, a citizen of the State.

Sec. 7. The Supreme Court shall be held twice in each year, at the seat of Government, at such times as the Legislature may prescribe.

Sec. 8. Immediately upon the first appointment of Judges, as aforesaid, the Governor, in the presence of, and with the assistance of the President of the Senate, and Secretary of State, shall determine, by lot, which of said Judges shall serve for the term of three years, and which shall serve for the term of six years, and which shall serve for the term of nine years; and it shall be the duty of the Governor to issue commissions accordingly.

Sec. 9. No Judge of said Court shall sit 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 Judges and of the parties; and whenever a quorum of said Court are situated as aforesaid, the Governor of the State shall, in such cases, specially commission two or more men of law knowledge for the determination thereof.

Sec. 10. The Judges of said Court shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 11. The Judges of the Circuit Court shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their office for the term of six years.

Sec. 12. No person shall be eligible to the office of Judge of the Circuit Court, who shall not, at the time of his appointment, have attained the age of twenty-six years, and shall have been two years a citizen of the State.

Sec. 13. The State shall be divided into convenient judicial districts.

Sec. 14. Circuit Courts shall have original jurisdiction in all matters, civil and criminal, within this State; but in civil cases, only when the principal of the amount in controversy exceeds one hundred and fifty dollars.

Sec. 15. A Circuit Court shall be held at least twice in each year, and the Judges of said Courts may interchange circuits with each other, in such manner as may be prescribed by law, and shall receive for their services a compensation to be fixed by law, which shall not be diminished during their continuance in office.

Sec. 16. Chancery Courts shall be established in each county in the State, with full jurisdiction in all matters of equity, and of divorce and alimony, in matters testamentary and of administration, in minors' business and allotment of dower, and in cases of idiocy, lunacy, and persons *non compos mentis*.

Sec. 17. The Legislature shall divide the State into a convenient number of Chancery Districts, to be composed of not more than four counties. Chancellors shall be appointed in the same manner as the Judges of the Circuit Courts. Their qualifications shall be regulated by law, and they shall hold their office for the term of four years. They shall hold a Court in each county at least four times in each year, and shall receive such compensation as may be provided by law.

Sec. 18. The style of all process shall be: "The State of Mississippi," and all prosecutions shall be carried on in the name, and by the authority of "The State of Mississippi," and shall conclude, "against the peace and dignity of the same."

Sec. 19. The Clerk of the Supreme Court shall be appointed by said Court, for the term of four years, and the Clerk of the Circuit Court, and the Clerk of the Chancery Court shall be elected by the qualified voters of their several counties, and shall hold their office for the term of four years; and the Legislature shall provide, by law, what duties shall be performed by the Clerks of the Circuit and Chancery Courts during vacation, subject to the approval of the Court.

Sec. 20. The qualified electors of each county shall elect five persons, by districts, for the term of two years, who shall constitute a Board of Supervisors for each county, a majority of whom may transact business, which body shall have full jurisdiction over roads, ferries, and bridges, and shall order all county elections, to fill vacancies that may arise in the offices of their respective counties, and perform such other duties as shall be provided by law. The Clerk of the Chancery Court of each county shall be the Clerk of such Board of Supervisors.

Sec. 21. No person shall be eligible as a member of said Board who shall not have resided one year in the county; but this qualification shall not extend to such new counties as may hereafter be established, until one year after their organization; and all vacancies that may occur in said Board shall be supplied by election, as aforesaid, to the unexpired term.

Sec. 22. Judges of all the Courts of this State, and all other civil officers, shall, by virtue of their office, be conservators of the peace, and shall be, by law, vested with ample powers in that respect.

Sec. 23. A competent number of Justices of the Peace and Constables shall be chosen in each county, by the qualified electors thereof, by districts, who shall hold their office for the term of two years. The jurisdiction of the Justices of the Peace shall be limited to causes in which the principal of the amount in controversy shall not exceed the sum of one hundred and fifty dollars. 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.

Sec. 24. The Legislature shall, from time to time, establish such other inferior Courts as may be necessary, and abolish the same whenever they shall deem it expedient.

Sec. 25. There shall be an Attorney General, elected by the qualified electors of the State; and a competent number of District Attorneys shall be elected by the qualified electors of the respective districts, whose term of service shall be four years, and whose duties and compensation shall be prescribed by law.

Sec. 26. Clerks, Sheriffs, and other county officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by Grand Jury, and trial by petit jury, and, upon conviction, shall be removed from office.

ARTICLE VII - Franchise

Section 1. All elections by the people shall be by ballot.

Sec. 2. All male inhabitants of this State, except idiots and insane persons, and Indians not taxed, citizens of the United States, or naturalized, twenty-one years old and upwards, who have resided in this State six months, and in the county one month next preceding the day of election at which said inhabitant offers to vote, and who are duly registered, according to the requirements of Section 3 of this Article, and who are not disqualified by reason of any crime, are declared to be qualified electors.

Sec. 3. The Legislature shall provide, by law, for the registration of all persons entitled to vote at any election, and all persons entitled to register shall take and subscribe to the following oath, or affirmation: "I, _____, do solemnly swear (or affirm), in the presence of Almighty God, that I am twenty-one years old; that I have resided in this State six months, and in _____county one month; that I will faithfully support and obey the Constitution and laws of the United States, and of the State of Mississippi, and will bear true faith and allegiance to the same, so help me God."

Sec. 4. No person shall be eligible to any office of profit or trust, or to any office in the militia of this State, who is not a qualified elector.

[Section 5 expunged.]

Sec. 6. In time of war, insurrection, or rebellion, the right to vote at such place, and in such manner as shall be prescribed by law, shall be enjoyed by all persons otherwise entitled thereto, who may be in actual military or naval service of the United States, or this State; Provided, Said votes be made to apply in the county or precinct wherein they reside.

ARTICLE VIII - School Fund, Education and Science

Section 1. As the stability of a republican form of government depends mainly upon the intelligence and virtue of the people, 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 shall, as

soon as practicable, establish schools of higher grade.

Sec. 2. 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 qualification of the Secretary of State, and hold his office for four years, and until his successor shall be elected and qualified, whose duties shall be the general supervision of the common schools and the educational interests of the State, and who shall perform such other duties pertaining to this office, and receive such compensation as shall be prescribed by law. He shall report to the Legislature, for its adoption, within twenty days after the opening of its first session under this Constitution, a uniform system of free public schools.

Sec. 3. 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, under the general direction of the Legislature, and to perform such other duties as may be prescribed by law. The Superintendent and one other of said Board shall constitute a quorum.

Sec. 4. 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 two years, and whose compensation and duties shall be prescribed by law: *Provided*, That the Legislature shall have power to make said office of County School Superintendent of the several counties elective, as other county officers are.

Sec. 5. A public school, or schools, shall be maintained in each school district, at least four months in each year. Any school district neglecting to maintain such school, or schools, shall be deprived, for that year, of its proportion of the income of the free school fund, and of all funds arising from taxes for the support of schools.

Sec. 6. There shall be established a common school fund, which shall consist of the proceeds of the lands now belonging to the State, heretofore granted by the United States, and of the lands known as "swamp lands," except the swamp lands lying and situated on Pearl river, in the counties of Hancock, Marion, Lawrence, Simpson, and Copiah, and of all lands now or hereafter vested in the State, by escheat or purchase, or forfeiture for taxes, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all moneys received for licenses granted under the general laws of the State for the sale of intoxicating liquor, or keeping of dram shops; all moneys paid as an equivalent for persons exempt from military duty, and the funds arising from the consolidating of the Congressional township funds, and the lands belonging thereto, together with all moneys donated to the State for school purposes, which funds shall be securely invested in United States bonds, and remain a perpetual fund, which may be increased but not diminished, the interest of which shall be inviolably appropriated for the support of free schools.

Sec. 7. The Legislature may levy a poll tax, not to exceed two dollars a head, in aid of the school fund, and for no other purpose.

Sec. 8. The Legislature shall, as soon as practicable, provide for the establishment of an Agricultural College, or Colleges, and shall appropriate the two hundred and ten thousand acres of land donated to the State for the support of such a college, by the Act of Congress, passed July 2d, A.D. 1865, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be granted or appropriated for such purpose.

Sec. 9. No religious sect or sects shall control any part of the school or university funds of this State.

Sec. 10. The Legislature shall, from time to time, as may be necessary, provide for the levy and collection of such other taxes as may be required to properly support the system of free schools herein adopted; and all school funds shall be divided pro rata among the children of school ages.

ARTICLE IX - Militia

Section 1. 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, not incompatible with this Constitution, and the Constitution and laws of the United States.

Sec. 2. The Legislature shall provide for the organizing, arming, equiping, and discipline of the militia, and for paying the same when called into active service.

Sec. 3. It shall be the duty of the first Legislature to make such laws as shall be necessary to immediately create an effective militia in this State.

Sec. 4. All officers of militia, except non-commissioned officers, shall be appointed by the Governor, by and with the consent of the Senate, and shall be chosen for their military knowledge, their experience in arms, and their fidelity and loyalty; and no commissioned officer shall be removed from office except by the Senate, on recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law, or at his own request.

Sec. 5. 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. 6. The Governor shall nominate, and by and with the consent of the Senate, commission one Major General of 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. 7. 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.

Sec. 8. 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.

ARTICLE X - Internal Improvements

The Legislature, at its first regular session after the adoption of this Constitution, shall provide for the organization of a Board of Public Works, prescribe its duties, fix the compensation of its members, and all officers and employees upon public works in this State.

ARTICLE XI - Apportionment

Section 1. Until the first enumeration and a new apportionment shall be made, as provided and directed in this Constitution, the apportionment of Senators and Representatives among the several counties and districts in this State, shall be as follows: First - The county of Warren, five Representatives. Second - The counties of Hinds and Lowndes, each four Representatives. Third - The counties of Adams, Carroll, DeSoto, Holmes, Madison, Marshall, Monroe, Noxubee, Washington, and Yazoo, each three Representatives. Fourth - The counties of Attala, Chickasaw, Choctaw, Claiborne, Copiah, Jefferson, Lafayette, Lauderdale, Oktibbeha, Panola, Pontotoc, Tippah, Wilkinson, Yalobusha, Tishomingo, and Rankin, each two Representatives. Fifth - The counties of Amite, Bolivar, Calhoun, Clarke, Franklin, Issaquena, Itawamba, Jasper, Kemper, Lawrence, Leake, Lee, Pike, Sunflower, Scott, Tallahatchie, Winston, Simpson, Coahoma, Tunica, Newton, Neshoba, Covington, Wayne, Smith, Davis, Greene, Jackson, Hancock, Marion, Harrison, and Perry, each one Representative.

Section 2-Senate

First - The counties of Hancock, Harrison, Jackson, Marion, Greene, and Perry, shall form the First District, and elect one Senator.

Second - The counties of Wilkinson and Amite, the Second District, and one Senator.

Third - The counties of Pike, Lawrence, and Covington, the Third District, and one Senator.

Fourth - The county of Adams, the Fourth District, and one Senator.

Fifth - The counties of Franklin and Jefferson, the Fifth District, and one Senator.

Sixth - The counties of Claiborne and Copiah, the Sixth District, and one Senator.

Seventh - The counties of Warren and Issaquena, the Seventh District, and two Senators.

Eighth - The counties of Hinds, Rankin, and Simpson, the Eighth District, and two Senators.

Ninth - The counties of Davis, Jasper, Clarke, and Wayne, the Ninth District, and one Senator.

Tenth - The counties of Lauderdale and Kemper, the Tenth District, and one Senator.

Eleventh - The counties of Newton, Smith, and Scott, the Eleventh District, and one Senator.

Twelfth - The county of Madison, the Twelfth District, and one Senator.

Thirteenth - The county of Yazoo, the Thirteenth District, and one Senator

Fourteenth - The counties of Washington and Sunflower, the Fourteenth District, and one Senator.

Fifteenth - The county of Holmes, the Fifteenth District, and one Senator.

Sixteenth - The counties of Attala, Leake, and Neshoba, the Sixteenth District, and one Senator.

Seventeenth - The county of Noxubee, the Seventeenth District, and one Senator.

Eighteenth - The counties of Lowndes and Oktibbeha, the Eighteenth District, and two Senators.

Nineteenth - The counties of Choctaw and Winston, the Nineteenth District, and one Senator.

Twentieth - The county of Carroll, the Twentieth District, and one Senator.

Twenty-first - The counties of Calhoun and Yalobusha, the Twenty-first District, and one Senator.

Twenty-second - The counties of Chickasaw and Monroe, the Twenty-second District, and two Senators.

Twenty-third - The counties of Bolivar, Coahoma, and Tunica, the Twenty-third District, and one Senator.

Twenty-fourth - The counties of Panola and Tallahatchie, the Twenty-fourth District, and one Senator.

Twenty-fifth - The county of DeSoto, the Twenty-fifth District, and one Senator.

Twenty-sixth - The county of Marshall, the Twenty-sixth District, and one Senator.

Twenty-seventh - The counties of Lafayette and Pontotoc, the Twenty-seventh District, and one Senator.

Twenty-eighth - The counties of Tishomingo and Itawamba, the Twenty-eighth District, and one Senator.

Twenty-ninth - The counties of Tippah and Lee, the Twenty-ninth District, and one Senator.

ARTICLE XII - General Provisions

Section 1. The political year of the State of Mississippi shall commence on the first Monday of January, in each year, and the general election shall be holden on the first Tuesday succeeding the first Monday in November, biennially.

Sec. 2. The Legislature shall pass laws to exclude from office, and from suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; and every person shall be disqualified from holding any office or place of honor, profit, or trust, under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Sec. 3. No person who denies the existence of a Supreme Being shall hold any office in this State.

Sec. 4. The Legislature shall provide, by law, for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be empaneled in the county in which the offense was committed.

Sec. 5. The credit of the State shall not be pledged or loaned in aid of any person, association or corporation; nor shall the State hereafter become a stockholder in any corporation or association.

Sec. 6. The term of office of all county, township, and precinct officers shall expire within thirty days after this Constitution shall have been ratified, and the Governor shall, by and with the advice and consent of the Senate, thereafter appoint such officers, whose term of office shall continue until the Legislature shall provide, by law, for an election of said officers; *Provided*, The present incumbents of all county, township, district, and beat offices, shall hold their respective offices until their successors are legally appointed or elected, and duly qualified.

Sec. 7. In all cases, not otherwise provided for in this Constitution, the Legislature may determine the mode of filling all vacancies in all offices, and shall define their respective powers, and provide suitable compensation for all officers.

Sec. 8. The Legislature, at its first session, 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.

Sec. 9. No laws of a general feature, unless otherwise provided for, shall be enforced until sixty days after the passage thereof.

Sec. 10. 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 duty in their official capacity, and the amount of said deduction.

Sec. 11. The Legislature, at its first session under this Constitution, shall have authority to designate, by law, such loyal paper, or papers, in each Circuit Court District, as shall publish all legal advertising, and such official printing as shall be required by law in such Circuit Court District, and fix the compensation thereof.

Sec. 12. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the Legislature shall prohibit, by law, individuals or corporations from issuing bills, checks, tickets, promissory notes, or other papers, as money. But nothing herein contained shall be construed as preventing corporations or associations from forming, for such purposes, under the Acts of Congress, for a national system of banking.

Sec. 13. The property of all corporations for pecuniary profits shall be subject to taxation, the same as that of individuals.

Sec. 14. The Legislature shall not authorize any county, city, or town, to become a stockholder in, or to lend its credit to any company, association, or corporation, unless two-thirds of the qualified voters of such county, city, or town, at a special election, or regular election, to be held therein, shall assent thereto.

Sec. 15. The Legislature shall never authorize any lottery, nor shall the sale of lottery tickets be allowed; nor shall any lottery heretofore authorized, be permitted to be drawn, or tickets therein to be sold.

Sec. 16. No county shall be denied the right to raise, by special tax, money sufficient to pay for the building and repairing of court houses, jails, bridges, and other necessary conveniences for the people of the county; and money thus collected shall never be appropriated for any other purposes; *Provided*, The tax thus levied shall be a certain per cent, on all tax levied by the State.

Sec. 17. Liabilities of banks, associations, and other corporations shall be secured by legislative enactments; but in all cases, no stockholder shall be individually liable over and above the stock by him or her owned, unless so specified in the articles of association, or act of incorporation.

Sec. 18. All lands sold in pursuance of decree of Courts, or execution, shall be divided into tracts not to exceed one hundred and sixty acres.

Sec. 19. Returns of all elections by the people shall be made to the Secretary of State, in such manner as may be prescribed by law.

Sec. 20. Taxation shall be equal and uniform throughout the State. All property shall be taxed in proportion to its value, to be ascertained as directed by law.

Sec. 21. The State of Mississippi shall never assume nor pay any debt or obligation contracted in aid of the rebellion; nor shall this State ever, in any manner, claim from the United States, or make any allowance or compensation for slaves emancipated or liberated in any way whatever, since the ninth day of January, 1861.

Sec. 22. All persons who have not been married, but are now living together, cohabiting as husband and wife, shall be taken and held for all purposes in law as married, and their children, whether born before or after the ratification of this Constitution, shall be legitimate; and the Legislature may, by law, punish adultery and concubinage.

Sec. 23. There shall be a Commissioner of Immigration and Agriculture, who shall be elected by the Legislature on joint ballot, who shall hold his office for the term of four years, unless sooner removed by law.

Sec. 24. The next Legislature shall have power to repeal statutes of limitation, pass relief, stay, injunction, insolvent, and homestead laws, and to pass any and every act deemed necessary for the relief of debtors, subject only to the restrictions imposed by the Constitution of the United States.

Sec. 25. Representatives in Congress to fill the existing vacancies, shall be elected at the same time this Constitution is submitted to the electors of the State for ratification, and for the full term next succeeding their election; and thereafter elections for Representatives in Congress shall be held biennially. The first election shall be held on the first Tuesday after the first Monday in November preceding the expiration of said full term.

Sec. 26. Members of the Legislature, and all other officers elected or appointed to any office in this State, shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath of office:

OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I will faithfully support and true allegiance bear the Constitution of the United States, and the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding office by the Constitution of the United States, or the State of Mississippi; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God.

Sec. 27. 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; and also, for the treatment and care of the insane.

Sec. 28. The Legislature shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

Sec. 29. The County Boards shall have power to provide farms as an Asylum for those persons who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

ARTICLE XIII - Ordinances and Schedule

MODE OF REVISING THE CONSTITUTION

Whenever two-thirds of each branch 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-thirds 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 the next general 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 for members of the Legislature shall have voted for the proposed change, alteration, or amendment, then it shall be inserted by the next succeeding Legislature as part of this Constitution, and not otherwise; *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eighty-five, shall, in any manner, effect the eighteenth section of the Bill of Rights.

SCHEDULE

Section 1. The Ordinance of Secession of the State of Mississippi, passed January 9th, 1861, is hereby declared to be null and void. The present and all previous Constitutions of the State of Mississippi are hereby declared to be repealed and annulled by this Constitution.

Sec. 2. All laws now in force in this State, not enacted in furtherance of secession and rebellion, and not repugnant to this Constitution, shall continue in operation until they

shall expire by their own limitation, or be altered or repealed by the Legislature, except the hereinafter mentioned laws, to wit: "An Act to change the name of the county of Jones, and for other purposes," approved December 1st, A.D. 1865. "An Act to establish a ferry across the Mississippi river, at Vicksburg," approved November 29th, A.D. 1865. "An Act to provide for the removal and location of the Seat of Justice of Scott county," approved November 8th, A.D. 1865. "An Act supplemental to an Act entitled an Act to provide for the removal and location of the Seat of Justice of Scott county," approved November 8th, 1865, approved December 1st, A.D. 1865.

Sec. 3. The Legislature shall provide for the removal of causes now pending in the Courts of this State, to Courts created by or under this Constitution.

[Sections 4 to 13, inclusive, expunged.]

Sec. 14. The members of the Committee of Five, appointed by the Convention, and the clerk thereof, shall receive the same compensation as the members of this Convention.

Sec. 15. If any candidate receiving the highest number of votes cast cannot take the oath of office prescribed in this Constitution, then, and in that case, the candidates receiving the next highest vote shall be entitled to enter upon the duties of the office, upon taking and subscribing to said oath.