

## 1796 Tennessee Constitution

We the People of the Territory of the United States south of the River Ohio having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States and the act of Cession of the State of North Carolina, recognizing the Ordinance for the Government of the Territory of the United States Northwest of the River Ohio, do ordain and establish the following Constitution or form of Government, and do mutually agree with each other to form ourselves into a free and Independent State, by the name of the State of **Tennessee**.

### Article 1<sup>st</sup>

Section 1<sup>st</sup>. The Legislative Authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the People.

Sect. 2<sup>d</sup> Within three years after the first Meeting of the General Assembly and within every subsequent term of seven years, an enumeration of the taxable Inhabitants, shall be made in such manner as shall be directed by law, the number of Representatives, shall at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the Several Counties according to the number of taxable Inhabitants in each, and shall never be less than twenty two, nor greater than twenty Six until the number of taxable Inhabitants shall be forty Thousand, and after that event at such ratio that the whole number of Representatives shall never exceed forty.

Sect. 3<sup>d</sup> The number of Senators shall at the several periods of making the Enumeration before mentioned be fixed by the Legislature, and apportioned among the Districts formed as herein after directed according to the number of taxable Inhabitants in each, and shall never be less than one third, nor more than one half of the

number of Representatives.

Sect. 4<sup>th</sup> The Senators shall be chosen by Districts to be formed by the Legislature, each District containing such a number of taxable Inhabitants as shall be entitled to elect not more than three Senators. When a District shall be composed of two or more Counties, they shall be adjoining, and no County shall be divided in forming a District.

Sect. 5<sup>th</sup> The first Election for Senators and Representatives shall commence on the second Thursday of March next, and shall continue for that and the succeeding day; and the next Election shall commence on the first thursday of August One Thousand Seven hundred and ninety Seven, and shall continue on that and the Succeeding Day, and forever after elections shall be held once in two years, commencing on the first thursday in August and terminating the succeeding day.

Sect. 6<sup>th</sup> The first Session of the General Assembly shall commence on the last monday of March next, the second on the third monday of

September one Thousand seven hundred and ninety seven, And forever after, the General Assembly shall meet on the third monday of September next, ensuing the then election, and at no other period unless as provided for by this Constitution.

Sect. 7<sup>th</sup> That no person shall be eligible to a Seat in the General Assembly unless he shall have resided three years in the State, and one year in the County immediately preceding the election and shall possess in his own right, in the County which he represents, not less than two hundred acres of land and shall have attained to the age of twenty one year.

Sect. 8<sup>th</sup> The Senate and House of Representatives when assembled, shall each choose a Speaker and other its Officers, be Judges of the qualifications, and elections, of its members, and sit upon its own adjournments from day to day. Two thirds of each House shall constitute a Quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law, to compel the attendance of absent Members.

Sect. 9<sup>th</sup> Each House may determine the rules of its Proceedings punish its members for disorderly behavior, and, with the concurrence of two thirds expel a member, but not a Second time for the same offence, and shall have all other powers necessary for the Legislature of a free State.

Sect. 10<sup>th</sup> Senators and Representatives shall in all cases, except treason, felony, or breach of the Peace, be privileged from Arrest during the Session of the General Assembly and in going to and returning from the Same, and for any Speech or debate in either House, they shall not be questioned in any other place.

Sect. 11<sup>th</sup> Each House may punish by imprisonment, during their Session, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behavior in their presence.

Sect. 12<sup>th</sup> When Vacancies happen in either House, the Governor for the time being, shall issue Writs of election to fill such Vacancies.

Sect. 13<sup>th</sup> Neither House shall during their Session adjourn without consent of the other, for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sect. 14<sup>th</sup> Bills may originate in either House, but may be amended, altered or rejected by the other.

Sect. 15<sup>th</sup> Every Bill shall be read three times, on three different days in each House and be Signed by the respective Speakers before it becomes a Law.

Sect. 16<sup>th</sup> After a Bill has been rejected no Bill containing the same Substance, shall be passed into a Law, during the same Session.

Sect. 17<sup>th</sup> The Style of the Laws of this State shall be: Be it enacted by the General Assembly of the State of Tennessee.

Sect. 18<sup>th</sup> Each House Shall Keep a Journal of its proceedings and publish them, except such parts as the Welfare of the State may require to be Kept Secret. And the yeas and nays of the Members on any question shall, at the request of any two of them, be entered on the Journals.

Sect. 19<sup>th</sup> The doors of each House and Committees of the whole shall be Kept open, unless when the business shall be such as ought to be Kept Secret.

Sect. 20<sup>th</sup> The Legislature of this State shall not allow the following Officers of Government Greater annual Salaries than as follows until the Year One thousand eight hundred and four: to wit:

The Governor not more than Seven hundred and fifty Dollars.

The Judges of the Superior Courts not more than Six hundred Dollars each.

The Secretary not more than four hundred Dollars.

The Treasurer or Treasurers not more than four per Cent for receiving and paying out all moneys.

The Attorney or Attorneys for the State Shall receive a compensation for their Services not exceeding fifty Dollars for each Superior Court which he Shall attend.

No member of the Legislature shall receive more than one Dollar and Seventy five Cents per day, nor more for every twenty five miles he shall travel in going to and returning from the General Assembly.

Section 21<sup>st</sup> No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

Section 22<sup>nd</sup> No person who heretofore hath been, or hereafter may be a Collector or holder of public moneys shall have a Seat in either House of the General Assembly until such person shall have accounted for and paid into the Treasury all Sums for which he may be accountable or liable.

Sect. 23<sup>rd</sup> No Judge of any Court of Law or equity, Secretary of State, Attorney General, Register, Clerk of any Court of record or person holding any office under the authority of the United States shall have a Seat in the General Assembly, nor shall any person in this State hold more than one lucrative office at one and the same time, provided that no appointment in the Militia, or to the office of a Justice of the peace, shall be considered a Lucrative Office.

Sect. 24<sup>th</sup> No member of the General Assembly shall be eligible, to any office or place of trust, except to the office of a Justice

of the peace, or Trustee of any Literary Institution where the power of appointment to such office or place of trust, is vested in their own body.

Sect. 25<sup>th</sup> Any member of either House of the General Assembly shall have liberty to dissent from and protest against any act or resolve which he may think injurious to the public or any individual and have the reasons of his dissent entered on the Journals.

Sect. 26<sup>th</sup> All lands liable to taxation in this State, held by Deed, Grant or Entry, shall be taxed equal and uniform, in such manner that no one hundred Acres shall be taxed higher than another, except Town Lots, which shall not be taxed higher than two hundred acres of Land each. No freeman [i.e. free man] shall be taxed higher than one hundred acres, and no slave higher than two hundred Acres on each pole.

Sect. 27<sup>th</sup> No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

## Article 2<sup>d</sup>

Sect. 1<sup>st</sup> The Supreme executive power of this State Shall be vested in a Governor.

Sect. 2<sup>d</sup> The Governor shall be chosen by the Electors of the members of the General Assembly, at the times and places where they shall respectively vote for the Members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, by the returning Officers, directed to the Speaker of the Senate who shall open and publish them in the presence of a Majority of the members of each House of the General Assembly.

The person having the highest number of votes Shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint ballot of both Houses of the General Assembly. Contested elections for Governor shall be determined by Houses of the General Assembly in such manner as shall be prescribed by Law.

Sect. 3<sup>d</sup> He shall be at least twenty five years of age, and possess a freehold Estate of five hundred acres of land, and have been a Citizen or Inhabitant of this State four years next before his election unless he shall have been absent on the public business of the United States or of this State.

Sect. 4 The first Governor shall hold his office until the fourth tuesday of September one thousand Seven hundred and ninety Seven, and until another Governor shall be elected and qualified to Office, and forever after the Governor shall hold his office for the term of two years, and until an other [i.e. another] Governor shall be elected and qualified, but shall not be eligible more than six years in any term of eight.

Sect. 5<sup>th</sup> He shall be Commander in Chief of the Army and Navy of this State and of the Militia, except when they shall be called into the Service of the United States.

Sect. 6<sup>th</sup> He shall have power to grant reprieves and pardons after conviction except in cases of impeachment.

Section 7<sup>th</sup> He shall at stated times receive a compensation for his Services which shall not be increased or diminished during the period for which he shall have been elected.

Sect. 8<sup>th</sup> He may require information in writing from the Officers in the executive Department upon any subject relating to the duties of their respective offices.

Sect. 9<sup>th</sup> He may on extraordinary occasions convene the General Assembly by Proclamation and shall state to them when assembled the purpose for which they shall have been convened.

Sect. 10<sup>th</sup> He shall take care that the Laws shall be faithfully executed.

Sect. 11<sup>th</sup> He shall from time to time give to the General Assembly information of the State of the Government and recommend to their

consideration such measures as he shall judge expedient.

Sect. 12<sup>th</sup> In case of his death, resignation or removal from office, the Speaker of the Senate shall exercise the office of Governor until another Governor shall be duly qualified.

Sect. 13<sup>th</sup> No member of Congress or person holding any office under the United States or this State shall execute the office of Governor.

Sect. 14<sup>th</sup> When any officer the right of whose appointment is by this Constitution Vested in the General Assembly shall during the recess die or his office by other means become vacant, the Governor shall have power to fill up such vacancy by granting a temporary Commission which shall expire at the end of the next Session of the Legislature.

Sect. 15<sup>th</sup> There shall be a seal of this State which shall be Kept by the Governor and used by him officially and shall be called the great Seal of the State of Tennessee.

Sect. 16<sup>th</sup> All Grants and Commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State Seal and signed by the Governor.

Sect. 17<sup>th</sup> A Secretary of this State shall be appointed and Commissioned during the term of four years. He shall Keep a fair Register of all the Official acts and proceedings of the Governor and shall when required lay the same and all Papers, minutes and vouchers relative thereto before the General Assembly and Shall perform such other duties as shall be enjoined him by law.

#### Article 3<sup>d</sup>

Sect. 1<sup>st</sup> Every freeman [i.e. free man] of the age of twenty one years and upwards possessing a freehold in the County wherein he may vote and being an inhabitant of this State, and every freeman [i.e. free man] being an inhabitant of any one County in the State six months immediately preceeding [i.e. preceding] the day of election shall be entitled to vote for members of the General Assembly for the County in which he shall reside.

Sect. 2 Electors shall in all cases except treason, felony or breach of the peace be privileged from arrest during their attendance at Elections and in going to and returning from them.

Sect. 3 All Elections shall be by ballot.

#### Article 4<sup>th</sup>

Sect. 1<sup>st</sup> The house of Representatives shall have the sole power of impeachment.

Sect. 2<sup>d</sup> All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation.

Sect. 3<sup>d</sup> No person shall be convicted, without the concurrence of two thirds of the members of the whole House.

Sect. 4<sup>th</sup> The Governor and all civil officers under this State shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of Honor, trust or profit under this State.

The party shall nevertheless in all cases be liable to Indictment, trial, Judgment and punishment according to law.

Article 5<sup>th</sup>

Sect. 1<sup>st</sup> The judicial power of the State shall be vested in such Superior and inferior Courts of Law and equity, as the Legislature shall from time to time direct and establish.

Sect. 2<sup>d</sup> The General Assembly shall by joint ballot of both Houses appoint Judges of the several Courts of Law & equity, also an attorney or Attorneys for the State who shall hold their respective offices during good behavior.

Sect. 3<sup>d</sup> The Judges of the Superior Court shall at stated times receive a compensation for their Services to be ascertained by Law but shall not be allowed any fees or perquisites of office nor shall they hold any other office of trust or profit under this State or the United States.

Sect. 4<sup>th</sup> The Judges of the Superior Courts shall be Justices of Oyer and terminer and general Jail delivery throughout the State.

Sect. 5<sup>th</sup> The Judges of the Superior and inferior Courts shall not charge Juries with respect to matters of fact, but may State the testimony and declare the Law.

Sect. 6<sup>th</sup> The Judges of the Superior Courts shall have power in all civil cases, to issue writs of Certiorari to remove any cause or a transcript thereof from any inferior Court of Record into the Superior on sufficient Cause supported by oath or affirmation.

Sect. 7<sup>th</sup> The Judges or Justices of the inferior Courts of law shall have power in all civil cases to issue writs of Certiorari to remove any cause or a transcript thereof from any inferior Jurisdiction into their Court on sufficient Cause supported by oath or affirmation.

Sect. 8<sup>th</sup> No Judge shall sit on the trial

of any cause, where the parties shall be connected with him by affinity or consanguinity except by consent of parties. In case all the Judges of the Superior Court shall be interested in the Event of any Cause, or related to all or either of the parties the Governor of the State shall in such case, Specially Commission three men of Law Knowledge for the determination thereof.

Sect. 9<sup>th</sup> All writs and other process, shall run in the name of the State of Tennessee and bear Teste and be signed by the respective Clerks. Indictments shall conclude, against the peace and dignity of the State.

Sect. 10<sup>th</sup> Each Court shall appoint its own Clerk who may hold his office during good behavior.

Sect. 11<sup>th</sup> No fine shall be laid on any Citizen of this State that shall exceed fifty Dollars, unless it shall be assessed by a Jury of his Peers who shall assess the fine at

the time they find the Fact, if they think the fine ought to be more than fifty Dollars.

Sect. 12<sup>th</sup> There shall be Justices of the Peace appointed for each County, not exceeding two for each Captains [i.e. Captain's] Company, except for the Company which includes the County Town which shall not exceed three, who shall hold their offices during good behavior.

#### Article 6<sup>th</sup>

Sect. 1<sup>st</sup> There shall be appointed in each County by the County Court, one Sheriff, one Coroner, one Trustee and a Sufficient number of Constables who shall hold their offices for two years. They shall also have power to appoint one Register and Ranger for the County who shall hold their offices during good behavior. The Sheriff and Coroner shall be Commissioned by the Governor.

Sect. 2<sup>d</sup> There shall be a Treasurer or Treasurers appointed for the State who shall hold his or their office for two years.

Sect. 3<sup>d</sup> The appointment of all Officers not otherwise directed by this Constitution shall be vested in the Legislature.

Article 7<sup>th</sup>

Sect. 1<sup>st</sup> Captains Subalterns and non Commissioned Officers shall be elected by those Citizens, in their respective Districts, who are subject to military duty.

Sect. 2<sup>d</sup> All Field officers of the Militia shall be elected by those Citizens in their respective Counties who are Subject to military duty.

Sect. 3<sup>d</sup> Brigadiers General shall be elected by the field officers of the respective Brigades.

Sect. 4<sup>th</sup> Majors General shall be elected by the Brigadiers and field Officers of the respective divisions.

Sect. 5<sup>th</sup> The Governor shall appoint the adjutant General: the Majors General

shall appoint their Aids; the Brigadiers General shall appoint their Brigade Majors, and the Commanding Officers of Regiments their Adjutants and Quarter Masters [i.e. Quartermasters].

Sect. 6<sup>th</sup> The Captains & Subalterns of the Cavalry shall be appointed by the Troops enrolled in their respective Companies and the field Officers of the District shall be appointed by the said Captains and Subalterns, provided, that whenever any new County is laid off, that the Field officers of the said Cavalry shall appoint the Captain and other Officers therein pro tempore until the Company is filled up and completed, at which time the election of the Captains and Subalterns shall take place as aforesaid.

Sect. 7<sup>th</sup> The Legislature shall pass Laws exempting Citizens belonging to any Sect or Denomination of Religion, the tenets of which are Known to be opposed to the bearing of arms from attending private & general Musters.

Article 8<sup>th</sup>

Sect. 1<sup>st</sup> Whereas the ministers of the Gospel are by their professions, dedicated to God and the case of Souls and ought not to be diverted from the great duties of their functions therefore no minister of the Gospel, or Priest of any denomination whatever shall be eligible to a Seat in either house of the Legislature.

Sect. 2<sup>d</sup> No person who denies the being of God or a future State of rewards and punishments shall hold any office in the civil Department of this State.

Article 9<sup>th</sup>

Sect. 1<sup>st</sup> That every person who shall be chosen or appointed to any office of trust or profit, shall before entering on the execution thereof, take an oath to support the Constitution of this State and also an Oath of Office.

Sect. 2<sup>d</sup> That each member of the Senate and House of Representatives, shall before they proceed to business take an oath or affirmation to support the Constitution of this State, and also the following oath: I. A.B. do solemnly swear (or affirm) that as a member of this General Assembly, I will in all appointments vote without favor, affection, partiality or prejudice, and that I will not propose or assent to any Bill, vote or resolution which Shall appear to me injurious to the people or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of this State.

Sect. 3<sup>d</sup> Any elector who shall receive any gift or reward for his vote in meat, drink money or otherwise shall suffer such punishment as the Laws shall direct. And any person who shall directly or indirectly give promise or bestow any such reward to be

elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected and be subject to such further punishment as the Legislature shall direct.

Sect. 4<sup>th</sup> No new County shall be established by the General Assembly, which shall reduce the County or Counties or either of them, from which it shall be taken to a less content, than Six hundred & twenty five square Miles. Nor shall any new County be laid off of less contents. All new Counties as to the right of suffrage and representation, shall be considered as a part of the County or Counties from which it was taken, until entitled by numbers to the right of representation. No Bill shall be passed into a Law for the establishment of a new County except upon a petition to the General Assembly for that purpose Signed by two hundred of the free Male Inhabitants within the limits or bounds of such new County prayed to be laid off.

Article 10<sup>th</sup>

Sect. 1<sup>st</sup> Knoxville shall be the Seat of Government until the year One thousand Eight hundred and two.

Sect. 2<sup>d</sup> All Laws and Ordinances now in force and use in this Territory not inconsistent with this Constitution shall continue to be in force and use in this State, until they shall expire, be altered or repealed by the Legislature.

Sect. 3<sup>d</sup> That whenever two thirds of the General Assembly shall think it necessary to amend or change this Constitution they shall recommend to the Electors at the next election for members to the General Assembly to vote for or against a Convention and if it shall appear that a majority of all the Citizens of the State, voting for Representatives have voted for a Convention, the General Assembly shall, at their next Session, call a Convention to consist of as many members as there be in the General Assembly to be

chosen in the same manner, at the same places and by the same Electors, that chose the General Assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the Constitution.

Sect. 4<sup>th</sup> The Declaration of Rights hereto annexed is declared to be a part of the Constitution of this State and Shall never be violated on any pretence whatever. And to Guard against transgressions of the high Powers which we have delegated, we declare that everything in the Bill of Rights contained and every other right not hereby delegated is excepted out of the General Powers of Government and shall for ever [i.e. forever] remain inviolate.

Article 11<sup>th</sup>

Declaration of

Rights

1<sup>st</sup> That all power is inherent in the People and all free Governments are founded on their authority and instituted for their peace, safety and happiness: for the advancement of those ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish the Government in such manner as they may think proper.

Sect. 2<sup>d</sup> That Government being instituted for the common benefit, the doctrine of non resistance against arbitrary Power and oppression is absurd, slavish and destructive to the good and happiness of mankind.

Sect. 3<sup>d</sup> That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences'

that no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent, that no human authority can in any case whatever Control or interfere with the rights of conscience; and that no preference shall ever be given by Law to any religious Establishments or modes of worship.

Sect. 4<sup>th</sup> That no religious test shall ever be required as a qualification to any Office or public trust under this State.

Sect. 5<sup>th</sup> That Elections shall be free and equal.

Sect. 6<sup>th</sup> That the Right of trial by Jury shall remain inviolate.

Sect. 7<sup>th</sup> That the people shall be secure in their persons, Houses, papers and possessions from unreasonable Searches and Seizures, and that General Warrants, whereby an officer may be commanded to search suspected places without evidence of the Fact committed, or to seize any person or persons

not named, whose offences are not particularly described and supported by evidence are dangerous to liberty and ought not to be granted.

Sect. 8<sup>th</sup> That no free man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges or outlawed or exiled, or in any manner, destroyed or deprived of his life, liberty or property, but by the Judgment of his Peers or the Law of the Land.

Sect. 9<sup>th</sup> That in all criminal prosecutions the accused hath a right to be heard by himself and his Counsel, to demand the nature and cause of the accusation against him and to have a Copy thereof: to meet the Witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by Indictment or presentment, a Speedy public trial by an impartial Jury of the County or District in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Sect. 10<sup>th</sup> That no person shall for the same offence, be twice put in Jeopardy of Life or Limb.

Sect. 11<sup>th</sup> That laws made for the punishment of facts committed previous to the existence of such Laws and by them only declared criminal are contrary to the principles of a free Government, wherefore no Ex post facto law shall be made.

Sect. 12<sup>th</sup> That no conviction shall work corruption of blood or forfeiture of estate. The Estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be Killed by Casualty there shall be no forfeiture in consequence thereof.

Sect. 13<sup>th</sup> That no person arrested or confined in Goal [i.e. Jail] shall be treated with unnecessary rigor.

Sect. 14<sup>th</sup> That no freeman [i.e. free man] shall be put to answer any Criminal charge but by presentment, Indictment or Impeachment.

Sect. 15<sup>th</sup> That all prisoners shall beailable by sufficient Sureties, unless for Capital offences when the proof is evident or the presumption great, and the privilege of the writ

of Habeas Corpus shall not be suspended unless when in case of rebellion or invasion the public Safety may require it.

Sect. 16<sup>th</sup> That excessive Bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sect. 17<sup>th</sup> That all Courts shall be open and every man, 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. Suits may be brought against the State in such manner, and in such Courts as the Legislature may by law direct, provided the right of bringing Suit be limited to the Citizens of this State.

Sect. 18<sup>th</sup> That the person of a Debtor, where there is not strong presumption of fraud shall not be continued in prison after delivering up his Estate for the benefit of his Creditor or Creditors, in such manner as shall be prescribed by Law.

Sect. 19<sup>th</sup> That the printing Presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or of any branch or officer of Government: and no law shall ever be made to restrain the right thereof. The free Communication of thoughts and opinions is one of the invaluable Rights of man; and every Citizen may freely speak, write & print on any subject, being responsible for the abuse of that liberty; but in prosecutions for the publication of Papers investigating the official Conduct of Officers or men in public Capacity, the truth thereof may be given in evidence; and in all Indictments for Libels, the Jury shall have a right to determine the law and the facts, under the direction of the Court as in other Cases.

Sect. 20<sup>th</sup> That no retrospective law or law impairing the obligation of Contracts shall be made.

Sect. 21<sup>st</sup> That no mans [i.e. man's] particular Services shall be demanded or property taken or applied to public use, without the Consent of his Representatives or without Just compensation

being made therefor.

Sect. 22<sup>d</sup> That the Citizens have a right in a peaceable manner to assemble together for their common Good to instruct their Representatives, and to apply to those invested with the powers of Government for redress of grievances or other proper purposes by address or remonstrance.

Sect. 23<sup>d</sup> That perpetuities & monopolies are contrary to the Genius of a free State and shall not be allowed.

Sect. 24<sup>th</sup> That the sure and certain defence [i.e. defense] of a free people is a well regulated Militia and as standing Armies in time of peace are dangerous to freedom, they ought to be avoided, as far as the circumstances and safety of the Community will admit: and that in all cases the military shall be in strict Subordination to the civil authority.

Sect. 25<sup>th</sup> That no Citizen in this State except such as are employed in the Army of the United States or militia in actual service, shall be subject to Corporal punishment under the martial Law.

Sect. 26<sup>th</sup> That the freemen [i.e. free men] of this State have a right to Keep and to bear Arms for their common defence [i.e. defense].

Sect. 27<sup>th</sup> That no Soldier shall in time of peace be quartered in any House without consent of the owner, nor in time of war but in a manner prescribed by Law.

Sect. 28<sup>th</sup> That no Citizen of this State shall be compelled to bear Arms, provided he will pay an equivalent to be ascertained by Law.

Sect. 29<sup>th</sup> That an equal participation of the free navigation of the Mississippi is one of the Inherent rights of the Citizens of this State; it cannot therefore, be conceded to any Prince, Potentate, Power, person or Persons whatever.

Sect. 30<sup>th</sup> That no hereditary Emoluments privileges or honors shall ever be granted or conferred in this State.

Sect. 31<sup>st</sup> That the people residing South of french Broad and Holston between the Rivers Tennessee and the Big Pigeon are

entitled to the Right of preemption and occupancy of that Tract.

Sect. 32<sup>nd</sup> That the limits and boundaries of this State be ascertained, it is declared they are as hereafter mentioned, that is to say: beginning on the extreme height of the Stone Mountain at the place where the line of Virginia intersects it, in latitude thirty six degrees and thirty minutes North. running thence along the extreme height of the said Mountain to the place where Watauga River breaks through it; thence a direct Course to the top of the yellow Mountain where Brights [i.e. Bright's] road crosses the same; thence along the ridge of said mountain between the waters of Doe River and the waters of Rock Creek to the place where the road crosses the Iron Mountain: from thence along the extreme height of said Mountain to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme Height of said Mountain to the painted Rock on french Broad River; thence along the

highest ridge of said Mountain, to the place where it is called great Iron or Smoky Mountain; thence along the extreme height of said Mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian Towns of Cowee and old Chota; thence along the main ridge of the said Mountain to the Southern boundary of this State, as described in the act of Cession of North Carolina to the United States of America; and that all the Territory Lands and waters lying west of the said line, as before mentioned and contained within the chartered limits of this State of North Carolina are within the boundaries & limits of this State, over which the people have the right of exercising Sovereignty and right of Soil so far as is consistent with the Constitution of the United States, recognizing the articles of Confederation the Bill of Rights and Constitution of North Carolina the Cession Act of the Said State and the Ordinance of the late

Congress for the Government of the Territory North West of the Ohio, provided nothing herein contained shall extend to affect, the claim or claims of Individuals, to any part of the Soil which is recognized to them by the aforesaid Cession Act.

#### Schedule

Sect. 1<sup>st</sup> That no inconvenience may arise from a change of the Temporary to a permanent State Government, it is declared that all rights actions, prosecutions, claims and Contracts as well of individuals as of Bodies corporate shall continue, as if no change had taken place in the Administration of Government.

Sect. 2<sup>d</sup> All Fines penalties and forfeitures due and owing to the Territory of the United States of America South of the River Ohio, shall enure to the use of the State. All Bonds for performance executed to the Governor of the said Territory shall be and pass over to the Governor of this State and

his Successors in Office for the use of the State, or by him or them respectively to be assigned over to the use of those concerned as the Case may be.

Sect. 3<sup>d</sup> The Governor Secretary, Judges and Brigadiers general have a right by virtue of their appointments under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their Several Departments, until the said Officers are superseded under the authority of this Constitution.

Sect. 4<sup>th</sup> All Officers, civil & military who have been appointed by the Governor, shall continue to exercise their respective offices until the second Monday in June and until Successors in office shall be appointed under the authority of this Constitution and duly qualified.

Sect. 5<sup>th</sup> The Governor shall make use of his private Seal until a State Seal Shall be procured.

Sect. 6<sup>th</sup> Until the first enumeration shall be made as directed in the second Section of the first article of this Constitution, the Several Counties shall be respectively entitled to elect one Senator and two Representatives, provided that no new County shall be entitled to separate representation previous to taking the Enumeration.

Sect. 7<sup>th</sup> That the next Election for Representatives and other Officers to be held for the County of Tennessee shall be held at the House of William Miles.

Sect. 8<sup>th</sup> Until a Land office shall be opened so as to enable the Citizens South of French Broad and Holston between the Rivers Tennessee and Big Pigeon to obtain titles upon their claims of occupancy and preemption, those who hold Land by virtue of such Claims, shall be eligible

to serve in all capacities where a free Hold is by this Constitution made a requisite qualification.

Done in Convention, at Knoxville by unanimous consent, on the sixth day of February in the year of our Lord One thousand Seven Hundred and Ninety six and of the Independence of the United States of America the twentieth. In testimony whereof we have hereunto subscribed our names.

William Blount, *President*

*Blount County* {  
David Craig  
James Greenaway  
Jo<sup>s</sup> Black  
James Houston  
Samuel Glass

*Hawkins County* {  
James Berry  
Joseph M'Minn  
Thomas Henderson  
W<sup>m</sup> Cocke  
Rich. Mitchell

*Davidson County* {  
John M'Nairy  
Andrew Jackson  
Ja<sup>s</sup> Robertson  
Thomas Hardiman  
Joel Lewis

*Jefferson County* {  
A. Outlaw  
Jos. Anderson  
Ge<sup>o</sup> Doherty  
Jas [James] Roddye  
Archibald Roane

*Greene County* {  
Samuel Frazier  
Stephen Brooks  
William Rankin  
Elisha Baker  
John Galbreath.

*Knox County* {  
James White  
Chals[Charles] M<sup>c</sup> Clung  
John Crawford  
John Adair

*Sullivan County* {  
George Rutledge  
William Charles Cole Claiborne  
Rich<sup>d</sup> Gammon  
John Shelby[, ] Jr[.]  
John Rhea

*Sumner County* {  
D. [David] Shelby  
Isaac Walton  
W. Douglass  
Edward Douglass  
Dan Smith.

*Sevier County* {  
Peter Bryan  
Sam [Samuel] Wier  
Spencer Clack  
John Clack  
Thomas Buckinham

Attest William Maclin[, ] Secretary

*Tennessee County* {  
Tho<sup>s</sup> Johnston  
James Ford  
W<sup>m</sup> Fort  
W<sup>m</sup> Prince  
Rob<sup>t</sup> Prince

*Washington County* {  
John Tipton  
Samuel Handly  
Leeroy Taylor  
Landon Carter  
James Stuart