Constitution,

of the

State of Tennessee.

Whereas 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 north west of the river Ohio, by their delegates and Representatives in convention assembled did on the Sixth day of February in the year of our Lord One thousand seven hundred and ninety Six, Ordain and establish a constitution or form of government, and mutually agreed with each other to form themselves into a free and independent State by the name of "The State of Tennessee; And whereas the General Assembly of said State of Tennessee pursuant to the third Section of the tenth Article of the Constitution, by an act passed on the twenty seventh day of November in the year of our Lord One thousand eight hundred and thirty three entitled "an act to provide for the calling of a convention" did authorize and provide for the election by the people of delegates and representatives to meet at Nashville in Davidson County, on the third monday in May in the year of Our Lord One Thousand eight Hundred and thirty four, for the purpose of revising and amending (or changing) the Constitution:

We therefore the Delegates and Representatives of the people of the State of Tennessee elected and in convention assembled, in pursuance of the said act of Assembly have Ordained and established the following "Amended Constitution and form of government for this State which we recommend to the people of Tennessee for their ratification — that is to say.

Article 1st

Declaration of rights.

Section 1st 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.

Section 2nd That Government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of Mankind.

3rd 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 minister 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 establishment or mode of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal.

Sec 6. That the right of trial by Jury shall remain inviolate.

Sec 7. 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.

Sec. 8. 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 judgement of his peers, or the law of the land.

Sec. 9. 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.

Sec 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Sec 11. 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.

Sec 12. 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.

Sec 13. That no person arrested or confined in Jail, shall be treated with unnecessary rigor.

Sec 14. That no freeman shall be put to answer any criminal charge, but by presentment, indictment, or impeachment.

Sec 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. And the privilege of the writ of Habeas Corpus shall not be suspended, unless when in case of rebellion, or invasion, the public safety may require it.

Sec 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. 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.

Sec 18. 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.

Sec. 19. 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, and 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 criminal cases.

Section 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

Sec. 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22 That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23 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.

Sec 24. That the sure and certain defence 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 kept in strict subordination to the civil authority.

Sec 25. That no citizen of this State, except such as are employed in the army of the United States, or Militia in actual service, shall be subjected to corporeal punishment under the martial law.

Sec 26 That the free white men of this State have a right to keep and to bear arms for their common defence.

Sec 27. That no soldier shall in time of peace, be quartered in any house without the consent of the Owner; nor in time of war, but in a manner prescribed by law.

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec 29. 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.

Sec 30 That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

Sec 3d 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 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 the place 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 the 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 the State of North-Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty and the 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 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: And provided also, that the limits and jurisdiction of this State, shall extend to any other land and territory now acquired, or that may hereafter be acquired by compact or agreement with other States, or otherwise, although such land and territory are not included within the boundaries herein before designated.

Sec 32- The people residing south of French-Broad and Holston, between the rivers Tennessee and Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

Article 2nd

Section 1st The powers of the government shall be divided into three distinct departments; the Legislative, Executive and Judicial.

Sec. 2nd No person or persons belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

Sec 3rd 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.

Sec 4 An enumeration of the qualified voters, and an apportionment of the Representatives in the general Assembly, shall be made in the year One thousand eight hundred and forty one and within every subsequent term of ten years.

Sec 5 The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each, and shall not exceed seventy five, until the population of the State shall be One million and a half; and shall never thereafter exceed ninety-nine: provided, that any county having two thirds of the ratio, shall be entitled to one member.

Sec. 6- The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified electors in each, and shall not exceed one third the number of Representatives. In apportioning the Senators among the different counties, the fraction that may be lost by any county or counties in the apportionment of members to the House of Representatives, shall be made up to such county or counties in the Senate, as near as may be practicable: When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

Sec 7 The first election for Senators and Representatives, shall be held on the first thursday in August One thousand eight hundred and thirty five;— And forever thereafter, elections for members of the general Assembly shall be held once in two years, on the first thursday in August; said elections shall terminate the same day.

Section 8- The first session of the General Assembly shall commence on the first Monday in October One thousand eight hundred and thirty five; ; and forever thereafter, the General Assembly shall meet on the first monday in October next ensuing the election.—

Sec. 9- No person shall be a Representative, unless he shall be a citizen of the United States, of the age of twenty one years, and shall have been a citizen of this State for three years, and a resident in the County he represents, one year immediately preceding the election.

Sec 10- No person shall be a Senator, unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this State, and one year in the county or district immediately preceding the election.. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or the general Assembly, except to the office of trustee of a literary institution.—

Sec 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election 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.—

Sec 12- Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two thirds expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the Legislature of a free State.

Sec 13. Senators and Representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Sec 14- Each House may punish by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behaviour in its presence.—

Sec 15. When vacancies happen in either House, the Governor for the time being shall issue writs of election to fill such vacancies.

Sec 16- Neither House shall, during its session, adjourn without the consent of the other, for more than three days; nor to any other place than that in which the two Houses shall be sitting.—

Sec 17. Bills may originate in either House, but may be amended, altered or rejected, by the other.—

Sec 18- Every bill shall be read once, on three different days, and be passed each time in the House where it originated, before transmission to the other. No bill shall become a law, until it shall be read and passed on three different days in each House, and signed by the respective Speakers.—

Sec 19. After a bill has been rejected, no bill containing the same substance, shall be passed into a law during the same session.—

Sec 20- The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Tennessee"

Sec. 21. Each House shall keep a Journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the Ayes and Noes shall be taken in each House upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the Ayes and Noes of the members on any question, shall at the request of any two of them, be entered on the Journals.—

Sec 22- The doors of each House, and of committees of the whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

Sec 23- The sum of four dollars per day, and four dollars for every twenty five miles travelling, to and from the seat of Government, shall be allowed to the members of the first General Assembly, as a compensation for their services. The compensation of the members of the succeeding Legislatures, shall be ascertained by law; but no law increasing the compensation of the members, shall take effect until the commencement of the next regular session after such law shall have been enacted.

Sec 24. No money shall be drawn from the treasury, but in consequence of appropriations made by law: and an accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws, at the rise of each stated session of the general Assembly.—

Sec 25- No person, who heretofore hath been, or may hereafter 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.—

Sec 26- 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 the same time: provided, that no appointment in the militia, or to the office of Justice of the peace, shall be considered a lucrative office, or operate as a disqualification to a seat in either House of the General Assembly.

Sec 27- 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 to any individual, and to have the reasons for his dissent entered on the Journals.

Sec 28. All lands liable to taxation, held by deed, grant or entry, town lots, bank Stock, Slaves between the ages of twelve and fifty years, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property shall be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the state.. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value. But the Legislature shall have power to tax merchants, pedlars, and ferries, in such manner as they may from time to time direct. A tax on white polls shall be laid in such manner, and of such an amount, as may be prescribed by law.

Sec 29. The General Assembly shall have power to alter the several counties and incorporated towns in this State, to impose taxes for County and corporation purposes respectively, in such manner as shall be prescribed by law; And all property shall be taxed according to its value, upon the principles established in regard to State taxation.

Sec 30. No article manufactured of the produce of this State, shall be taxed otherwise than to pay inspection fees.—

Sec 31. The General Assembly shall have no power to pass laws for the emancipation of Slaves, without the consent of their Owner or Owners.

Article 3rd

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

Sec 2. 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 vote of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed law.

Sec 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

Sec 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

Sec 5. 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.

Sec 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Sec 7. 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.

Sec 8. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec 9. He may, on extraordinary occasions, convene the General Assembly by proclamation; and shall state to them, when assembled, the purposes for which they shall have been convened: but they shall enter on no legislative business except that for which they were specially called together.

Sec 10. He shall take care that the laws be faithfully executed.

Sec 11. 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.

Sec. 12. In case of the removal of the Governor from office, or of his death, or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

Sec 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

Sec 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office by the expiration of the term, or by other means become vacant, the governor shall have the power to fill such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

Sec 15. 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.

Sec 16. 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.

Sec 17. A Secretary of State shall be appointed by joint vote of the General Assembly, 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 by law.

Article 4.

Sec 1. Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote, six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers, for the county or district in which he resides: provided, that no person shall be disqualified from voting in any election on account of color, who is now by the laws of this State, a competent witness in a court of Justice against a white man. All free men of color, shall be exempt from military duty in time of peace, and also from paying a free poll tax.

Sec 2. Laws may be passed excluding from the right of suffrage, persons who may be convicted of infamous crimes.

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

Sec 4. In all elections to be made by the General Assembly, the members thereof shall vote viva voce; and their votes shall be entered on the Journal. All other elections shall be by ballot.

Article 5.

Sec. 1. The House of Representatives shall have the sole power of impeachment.

Sec 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two thirds of the Senators sworn to try the officer impeached.

Sec 3. The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned, sine die, when the Senate shall proceed to try such impeachment.

Sec 4. The Governor, Judges of the Supreme Court, Judges of inferior courts, Chancellors, Attorneys for the State, and Secretary of State, shall be liable to impeachment, whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity, which may require disqualification; but judgement shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgement and punishment, according to law.

Sec 5. Justices of the peace, and other civil officers, not herein before mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct, and upon conviction, shall be removed from office, by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

Article 6.

Sec 1. The Judicial power of this State, shall be vested in One Supreme Court, in such inferior courts as the Legislature shall from time to time ordain and establish, and the Judges thereof, and in Justices of the peace. The Legislature, may also vest such jurisdiction as may be deemed necessary in Corporation Courts.

Sec 2. The Supreme Court shall be composed of three Judges, one of whom shall reside in each of the grand divisions of the State; the concurrence of two of said Judges shall in every case be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may, provide such other jurisdiction as is now conferred by law on the present Supreme Court. Said courts shall be held at One place, and at One place only, in each of the three grand divisions in the State.

Sec 3. The General Assembly shall, by joint vote of both Houses, appoint Judges of the several courts of law and equity; but courts may be established to be holden by Justices of the peace. Judges of the Supreme court shall be thirty five years of age, and shall be elected for the term of twelve years.

Sec 4. The Judges of such inferior courts as the Legislature may establish, shall be thirty years of age, and shall be elected for the term of eight years.

Sec 5. The Legislature shall elect Attornies for the State, by joint vote of both Houses of the general Assembly, who shall hold their offices for the term of six years. In all cases where an Attorney for any district fails or refuses to attend, and prosecute according to law, the court shall have power to appoint an Attorney pro tempore.

Sec 6. Judges and Attornies for the State, may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting seperately; but two thirds of all the members elected to each House, must concur in such vote; the vote shall be determined by Ayes and Noes, and the names of the members voting for or against the Judge or Attorney for the State, together with the cause or causes of removal, shall be entered on the Journals of each House respectively. The Judge or Attorney for the State against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either House of the general Assembly shall act thereupon.

Sec 7. The Judges of the supreme and inferior courts, shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished, during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State, or the United States.

Sec 8. The jurisdiction of such inferior courts, as the Legislature may from time to time establish, shall be regulated by law.

Sec 9. Judges shall not charge Juries with respect to matters of fact, but may state the testimony and declare the law.

Sec 10. The Judges or Justices of such inferior courts of law as the Legislature may establish, shall have power, in all civil cases, to issue writs of certiorari, to remove any cause or transcript thereof, from any inferior jurisdiction, into said court, on sufficient cause, supported by oath or affirmation.

Sec 11. No Judge of the Supreme or inferior courts, shall preside on the trial of any cause, in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity within such degree as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court, shall be thus disqualified from presiding on the trial of any cause or causes, the court, or the Judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledge, for the trial and determination thereof. In case of sickness of any of the Judges of the Supreme or inferior courts, so that they or any of them are unable to attend, the Legislature shall be authorized to make provision by general laws, that special Judges may be appointed to attend said courts.

Sec 12. All writs and other process shall run in the name of the State of Tennessee, and bear test and be signed by the respective clerks. Indictments shall conclude against the peace and dignity of the State.

Sec 13. Judges of the Supreme Court shall appoint their clerks, who shall hold their offices for the period of six years. Chancellors (if courts of Chancery shall be established) shall appoint their clerks and masters, who shall hold their offices for the period of Six years. Clerks of such inferior courts as may be hereafter established, which shall be required to be holden in the respective counties of this State, shall be elected by the qualified voters thereof, for the term of four years; they shall be removed from office, for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

Sec 14. 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 should be more than fifty dollars.

Sec. 15. The different counties in this State shall be laid off, as the general Assembly may direct, into districts of convenient size, so that the whole number in each County shall not be more than twenty five, or four for every One hundred square miles. There shall be two Justices of the peace and one constable elected in each district, by the qualified voters therein, except districts including County towns which shall elect three Justices and two constables. The jurisdiction of said officers shall be coextensive with the county. Justices of the peace shall be elected for the term of Six, and constables for the term of two years. Upon the removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the governor. The Legislature shall have power to provide for the appointment of an additional number of Justices of the peace in incorporated towns.

Article 7.

Sec 1. There shall be elected in each county, by the qualified voters therein, One Sheriff, One Trustee, and One Register; the Sheriff and Trustee for two years, and the Register for four years: provided, that no person shall be eligible to the office of Sheriff more than six years in any term of eight years. There shall be elected for each County, by the Justices of the peace, One Coroner, and One Ranger, who shall hold their offices for two years. said officers shall be removed for malfeasance, or neglect of duty, in such manner as may be prescribed by law.

Sec 2. Should a vacancy occur subsequent to an election, in the office of Sheriff, Trustee, or Register, it shall be filled by the Justices; if in that of the clerks to be elected by the people, it shall be filled by the courts; and the person so appointed, shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the County officers.

Sec 3. There shall be a Treasurer or Treasurers appointed for the State, by the joint vote of both Houses of the General Assembly, who shall hold his or their offices for two years.

Sec 4. The election of all officers, and the filling of all vacancies that may happen, by death, resignation or removal, not otherwise directed or provided for by this Constitution, shall be made in such manner as the Legislature shall direct.

Sec 5. The Legislature shall provide that the election of the County and other officers, by the people, shall not take place at the same time, that the general elections are held for members of Congress, members of the Legislature and Governor. The elections shall commence and terminate on the same day.

Article 8.

Sec 1. All Militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

Sec 2. The Governor shall appoint the Adjutant General, and his other staff officers. The Majors General, Brigadiers general, and commanding officers of Regiments, shall respectively appoint their staff officers.

Sec 3. 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 and general musters.

Article 9.

Sec. 1. Whereas, ministers of the Gospel are by their profession, dedicated to god, and the care 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.

Sec 2. 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.

Sec 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send, or accept, a challenge for that purpose, or be an aider, or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

Article 10.

Sec 1. Every person who shall be chosen or appointed to any office of trust or profit, under this constitution, or any law made in pursuance thereof, shall, before entering on the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

Sec 2. 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 of the United States, and also the following oath: "I— 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."

Sec 3. 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 six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec 4. New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and which shall contain a population of four hundred and fifty qualified voters. No line of such county shall approach the Court House of any old county from which it may be taken, nearer than twelve miles. No part of a county shall be taken off to form a new county or a part thereof, without the consent of a majority of the qualified voters in such part taken off. And in all cases where an old county may be reduced for the purpose of forming a new one, the seat of Justice in said old county shall not be removed without the concurrence of two thirds of both branches of the Legislature; nor shall said old county be reduced to less than six hundred and twenty five square miles: provided, however, that the county of Bedford may be reduced to four hundred and seventy five square miles; and there shall not be laid off more than one new county on the west, and one on the east, adjoining the county of Bedford; and no new county line shall run nearer than eleven and a half miles of the seat of Justice of said county. The line of a new county may run within eleven miles of the seat of Justice of Franklin County; provided, it does not reduce said County to less contents than six hundred and twenty five square miles. The counties of Carter, Rhea, Sipton, Dyer, and Sullivan, are excepted out of the provisions of this Section. The county of Humphreys may be divided at such time as may be prescribed by the Legislature, making the Tennessee river the dividing line, a majority of the qualified voters of said County voting in favor of said division.— The Counties of Carter, Rhea, and Humphreys, shall not be divided into more than two counties each; nor shall more than one new County be taken out of the territory now composing the Counties of Sipton and Dyer; nor shall the seats of Justice in the counties of Rhea, Carter, Sipton, and Dyer, be removed without the concurrence of two thirds of both branches of the Legislature.— The County of Sullivan may be reduced below the contents of six hundred and twenty five square miles; but the line of any new County which may hereafter be laid off shall not approach the County seat of said county nearer than ten miles. The Counties of Marion and Bledsoe shall not be reduced below one thousand qualified voters each in forming a new County or Counties.

Sec 5. The citizens who may be included in any new County shall vote with the County or Counties from which they may have been stricken off, for members of Congress, for Governor and for members of the General Assembly, until the next apportionment of members to the General Assembly, after the establishment of such new County.

Article 11.

Sec 1. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use, until they shall expire, be altered, or repealed by the Legislature.

Sec 2. Nothing contained in this Constitution, shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of Justice.

Sec 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen; and shall be published six months previous to the time of making such choice. And if in the General Assembly next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State, voting for representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall at each of the said sessions be read three times on three several days in each House. The Legislature shall not propose amendments to the constitution, oftener than once in six years.

Sec 4. The Legislature shall have no power to grant divorces, but may authorize the Courts of Justice to grant them for such causes as may be specified by law; provided, that such laws be general and uniform in their operation throughout the State.

Sec 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

Sec 6. The Legislature shall fix the rate of interest; and the rate so established shall be equal and uniform throughout the State.

Sec 7. The Legislature shall have no power to suspend any general law for the benefit of any particular individual; nor to pass any law for the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities, or exemptions, other than such as may be, by the same law extended to any member of the community who may be able to bring himself within the provisions of such law: provided, always, the Legislature shall have power to grant such charters of incorporation as they may deem expedient for the public good.—

Sec 8. The Legislature shall have the right to vest such powers in the courts of Justice, with regard to private and local affairs, as may be deemed expedient.

Sec 9. A well regulated System of internal improvement is calculated to develope the resources of the State, and promote the happiness and prosperity of her citizens; therefore, it ought to be encouraged by the General Assembly.—

Sec 10. Knowledge, learning and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities, and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end; it shall be the duty of the General Assembly in all future periods of this government, to cherish literature and science. And the fund called the common School fund, and all the lands and proceeds thereof, dividends, Stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State, for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund; the principal of which shall never be diminished by legislative appropriation; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools: and it shall be the duty of the General Assembly, to appoint a board of commissioners for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same, from time to time, under such rules, regulations and restrictions, as may be required by law; provided, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sales of such lands, shall be made among the individual States, the part of such lands, or money, coming to this State, shall be devoted to the purposes of education and internal improvement; and shall never be applied to any other purpose.

Sec 11. The above provisions shall not be construed to prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property, under such rules and regulations as from time to time may be prescribed by Law.

Sec 12. The Declaration of Rights hereto prefixed, 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 transgression of the high powers we have delegated, we declare that every thing in the Bill of Rights contained, is excepted out of the general powers of government, and shall forever remain inviolate.

Schedule.

Sec 1. That no inconvenience may arise from a change of the Constitution, it is declared, that all officers, civil and military, shall continue to hold their offices; and all the functions appertaining to the same, shall be exercised and performed according to the existing laws and Constitution, until the end of the first session of the general Assembly, which shall set under this Constitution, and until the government can be reorganized, and put into operation under this Constitution, in such manner as the first general Assembly aforesaid shall prescribe, and no longer.—

Sec 2. The general Assembly which shall sit after the first apportionment of representation under the new Constitution (to wit), in the year One thousand eight hundred and forty three, shall, within the first week after the commencement of the session, designate and fix the seat of government: and when so fixed, it shall not be removed, except by the consent of two thirds of the members of both Houses of the General Assembly. The first and second sessions of the General Assembly under this Constitution shall be held in Nashville.

Sec 3. Until a land office shall be opened, so as to enable the citizens South and West of the Congressional reservation line, to obtain titles upon their claims of occupancy, those who hold lands by virtue of such claims, shall be eligible to serve in all capacities, where a freehold is by the laws of the State made a requisite qualification.—

ORDINANCE.

1st Ordered, That it shall be the duty of the several officers of this State, authorized by law to hold elections for members of the General Assembly to open and hold an election, at the places of holding elections for members of the general Assembly in their respective Counties, on the first Thursday and friday in march next, for the purpose of receiving the votes of such qualified Voters as may desire to vote for the adoption or rejection of this amended Constitution: provided that no person shall be deemed a qualified voter in said election, except such as are included within the provisions of the first section of the fourth Article of this amended Constitution.

2nd Ordered, That it shall be the duty of said returning officers in each County in this State, to prepare poll books, which shall be opened on said days of election, and in which shall be enrolled the name of each voter by the assistance of clerks, who shall be appointed and sworn as clerks in other elections. Said officers shall prepare a ballot box in which shall be placed the ticket of each voter. Each ticket shall have written thereon the words "Ratify the amended Constitution." Or if the voter is opposed to it: "Reject the amended constitution." Or the words "Ratification"; Or "Rejection"; Or some such words as will distinctly convey the intention of the voter. The Justices of the several County Courts in this State, at some term previous to the day of said election, shall appoint three inspectors for each precinct; and in case of failure of the Courts to appoint inspectors, then said returning officers shall appoint them. It shall be the duty of said returning officers, in presence of the said inspectors, to count the votes given for the ratification and rejection of the Constitution, of which they shall keep a true and correct estimate in said poll book. Said returning officer shall deposit the original poll books of said election with the clerk of the County Court in their respective Counties, and shall within five days after said election make out triplicate Statements of the number of votes in their respective Counties for ratifying and rejecting the Constitution; and shall forward by mail One of said Certificates to the Governor, One to the Secretary of State, and shall likewise deposit One with the clerk of the County Court. It shall be the duty of said several clerks, carefully to examine the said poll books, and forthwith to certify to the Secretary of State, a full true and perfect statement of the number of votes taken for and against the constitution, as appears from the poll books, filed in their offices. Should said returning officers, Or any of them, fail to make returns, in due time as above directed, the Secretary of State shall then be authorized to dispatch a special messenger for the purpose of obtaining a certified copy of the result of said elections.

3rd Ordered, That upon the receipt of the said returns, it shall be the duty of the Governor, Secretary of State, and any One of the Judges of the Supreme Court, or any two of the said named officers, to compare the votes given in said election for the ratification and rejection of the amended Constitution; and if it shall appear from said returns, that a majority of all the votes given in said election is for ratifying the amended Constitution, then it shall be the duty of the Governor forthwith to make proclamation of that fact, and thereof the this amended Constitution shall be Ordained and established as the Constitution of the State of Tennessee. It shall moreover be the duty of the Governor, in and by said proclamation, to command the Sheriffs and other officers directed by law to hold and superintend elections, to open the polls of election at the places of holding elections for members of the General Assembly in their respective Counties, on the first Thursday in August One Thousand eight hundred and thirty five, for the purpose of electing a Governor, and for the election of Senators and Representatives to the general Assembly of this State, from the several districts and Counties as mentioned and described in this Ordinance; at which time and places elections shall also be held for members of Congress; And said officers shall make returns of said elections under the same rules and regulations as are now required by the existing laws. And it shall be the duty of the Secretary of State, to record the returns made from each County or district and the result of said election in a bound book to be preserved in his office.

4th Be it further Ordered, That if any Sheriff, Or other acting Officer, shall fail within the time prescribed by this Ordinance, to discharge any of the duties hereby required, such Sheriff Or other returning officer, so failing as aforesaid, shall forfeit and pay the sum of five thousand dollars, to be recovered by action of debt in any of the Courts of record in this State; to be sued for in the name of the Governor, for the use and benefit of Common Schools.

5th Be it further Ordered, That until the first enumeration and apportionment of representation, in One thousand eight hundred and forty One, as directed by the amended Constitution, the following districts shall be formed, each of which shall elect One Senator, and the polls of election shall be compared at the several places herein mentioned, On the first monday succeeding the day of election; to wit:

The Counties of Carter, Sullivan and Washington shall form One District; and the polls shall be compared at the town of Jonesborough.
The Counties of Greene and Hawkins, shall compose One district; and the polls shall be compared in the town of Greenville.
The Counties of Cocke, Sevier, Jefferson and Blount, shall form One district; and the polls shall be compared in the town of Sevierville.
The Counties of Grainger, Claiborne, Campbell, Anderson and Morgan, shall compose One district, and the polls shall be compared at the house of Robert Glenn Esqr. in Campbell County.
The Counties of Knox and Roane, shall form One district; and the polls shall be compared at Campbells Station.
The Counties of Monroe and McMinn, shall compose One district; and the polls shall be compared in the town of Athens.
The Counties of Rhea, Bledsoe, Marion and Hamilton shall compose One district; and the polls shall be compared at the town of Dallas.
The Counties of Warren and Franklin shall compose One district; and the polls shall be compared at Hillsborough.
The Counties of Overton, Jackson, Fentress and White, shall compose One district; and the polls shall be compared at Livingston.
The Counties of Lincoln and Giles, shall compose One district; and the polls shall be compared at the house of John Kennedy.
The Counties of Smith and Sumner, shall compose One district; and the polls shall be compared at Hartsville.
The County of Bedford shall compose One district; and the polls shall be compared at Shelbyville.
The County of Maury shall compose One district; and the polls shall be compared at Columbia.
The County of Rutherford shall compose One district; and the polls shall be compared in Murfreesborough.
The County of Davidson shall compose One district, and the polls shall be compared in the City of Nashville.
The County of Williamson shall compose One district; and the polls shall be compared in the town of Franklin.
The Counties of Lawrence, Wayne and Hickman, shall compose One district; and the polls shall be compared at Latrea of Napiers furnace.
The Counties of Dickson, Stewart and Humphreys, shall compose One district; and the polls shall be compared at Simmons' old place On Yellow Creek.
The Counties of Robertson, and Montgomery, shall compose One district; and the polls shall be compared at Port-Royal.
The County of Wilson, shall compose One district; And the polls shall be compared in Lebanon.
The Counties of Hardeman, Fayette and Shelby, shall compose One district; and the polls shall be compared in Sommerville.
The Counties of Madison, Haywood and Tipton, shall compose One district; and the polls shall be compared at Brownsville.
The counties of Carroll, Gibson and Dyer, shall compose One district; and the polls shall be compared in Trenton.
The Counties of Henry, Weakly and Obion, shall compose One district; and the polls shall be compared in Dresden.
The Counties of Henderson, Perry, McNairy and Hardin, shall compose One district; and the polls shall be compared at the house of James Wright in Hardin County.

And until said enumeration and apportionment of One thousand eight hundred and forty One, the Counties of Carter, Sullivan, Washington, Greene, Hawkins, Cocke, Sevier, Jefferson, Blount, Grainger, Claiborne, Knox, Roane, Monroe, McMinn, Rhea and Bledsoe, shall each elect One Representative; and the polls shall be compared at their respective Court-Houses.
The Counties of Sullivan and Hawkins, shall jointly elect One Representative; and the polls shall be compared at Kingsport.
The Counties of Greene and Washington, shall jointly elect One Representative; and the polls shall be compared at the house of Joshua Royston, Esqr.
The Counties of Knox and Roane shall jointly elect One Representative; and the polls shall be compared at Campbells Station.
The Counties of Monroe and McMinn shall jointly elect One Representative; and the polls shall be compared at Athens.
The Counties of Campbell, Anderson and Morgan, shall jointly elect two Representatives, and the polls shall be compared at the house of James Ross Esqr. in Anderson County.
The Counties of Marion and Hamilton, shall jointly elect One Representative; and the polls shall be compared at Dallas.
The Counties of Warren, Franklin, Bedford, Lincoln, Giles, Maury, Rutherford, Williamson, Davidson, Wilson, Smith, and Sumner shall each elect two Representatives; and the polls shall be compared at their respective Court Houses.
The Counties of Lawrence, Wayne, Hickman, Dickson, Humphreys, Montgomery, Stewart, Robertson, Overton, Jackson, Fentress, White, Hardin, McNairy, Hardeman, Fayette, Shelby, Perry, Henderson, Madison, Haywood, Tipton, Carroll, Gibson, Henry, and Weakley, shall each elect One Representative; and the polls shall be compared at their respective Court-Houses.
The Counties of Obion and Dyer, shall jointly elect One Representative; and the polls shall be compared at the house of William Terrell Esqr. in Dyer County.

The returns of the elections for Representatives shall be made at the several places herein pointed out, On the first Saturday succeeding the day of election.

Attest Wm K Hill Secretary

Wm B. Carter Pres.

Done in convention at Nashville On the 30th day of August in the year of our Lord One thousand eight hundred and thirty four, and of the Independence of the United States, the fifty ninth.

In testimony whereof, we have hereunto subscribed our names.

Wm. B. Carter, President.	Francis B. Fogg.	Abraham McClellan	William T. Senter
Robert Allen	James Gillespy	Robt. J. McKinney	Jas. W. Smith
H. C. Armstrong	[illegible]	J. A. Mabry	W. E. Smartt
Adam R. Alexander	Callaway Hodges	John McGaughy	Henry Sharp
Richard Bradshaw	Gray Garrett.	John Montgomery	James Scott
Robert M. Burton	Isaac Hill	G. W. L. Marr	Ennis Ury
Willie Blount	Adam Funtman	John Neil	John Whitson.
Maclin Cross	W. H. Humphreys.	Richard Nelson	Isaac Walton
James Gray	Nelson J. Hess	Thomas C. Porter	John J. White
Newton Cannon	John Kelly	J. McPurdy	Jonathan Webster
W. L. Chicarry	Andrew A. Kincannon	Wm. C. Roadman	B. Weakley
Terry H. Cahal.	Joseph Kincaid	George W. Richardson	
R. L. Cobbs	Peter Kendall	Henry Ridley	
Richard Cheatham	Bradley Kimbrough	Julius C. N. Robertson	
Burchet Douglass	Wm. Ledbetter	Matthew Stephenson	
	William H. Loving		

Attest
Wm. K. Hill Secretary