# CONSTITUTION OF THE

# State of Tennessee.

Adopted in Convention

AT NASHVILLE,

February 23rd A.D. 1870.

## PREAMBLE AND

## DECLARATION OF RIGHTS.

**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 Ohio River, 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 agree 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 the 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, passed in obedience to the declared will of the voters of the State, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, 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, and said Convention did accordingly met and form a Constitution, which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five, and,

**Whereas,** The General Assembly of said State of Tennessee, under and in virtue of the first section of the first article of the declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an act passed on the

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fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a Convention by the people of the State, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and,

**Whereas**, The people of the State, in the mode provided by said Act, have called said Convention, and elected Delegates to represent them therein; Now, therefore,

**We**, the Delegates and Representatives of the people of the State of Tennessee, duly elected, and in Convention assembled, in pursuance of said Act of Assembly, have ordained and established the following Constitution and Form of government for this State, which we recommend to the people of Tennessee for their ratification: That is to say:

## ARTICLE 1.
## Declaration of Rights.

**Section 1.** That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of these 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 2.** 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.

**Section 3.** That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; 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.

**Section 4.** That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

**Section 5.** That elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by a court of competent jurisdiction.

**Section 6.** That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

**Section 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.

**Section 8.** That no 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.

**Section 9.** That in all criminal prosecutions, the accused hath the 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 in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

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

**Section 11.** That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free Government; wherefore **Ex post facto** laws shall be made.

**Section 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.

**Section 13.** That no person arrested and confined in jail shall be treated with unnecessary rigor.

**Section 14.** That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.

**Section 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 General Assembly shall declare the public safety requires it.

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

**Section 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.

**Section 18.** The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

**Section 19.** That the printing presses shall be free to every person to examine the proceedings of the Legislature, or of any branch or officer of the 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 libel, 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 obligations of contracts, shall be made.

**Section 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.

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

**Section 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.

**Section 24.** That the sure and certain 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 kept in strict subordination to the civil authority.

**Section 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 punishment under the martial or military law. That martial law, in the sense of the unrestricted power of military officers, or others, to dispose of the persons, liberties or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

**Section 26.** That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime.

**Section 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.

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

**Section 29.** That an equal participation in 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.

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

**Section 31.** 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 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.

**Section 32.** That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners, shall be provided for.

**Section 33.** That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

**Section 34.** The General Assembly shall make no law recognizing the right of property in man.

## ARTICLE II.

## Distribution of Powers.

Section 1. The powers of the Government shall be divided into three distinct departments: the Legislative, Executive, and Judicial.

Sec. 2. 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.

## Legislative Department.

Sec. 3. 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; who shall hold their offices for two

years from the day of the general election.

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 seventy-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 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~~ Tuesday in November, one thousand eight hundred and seventy; and forever thereafter, elections for members of the General Assembly shall be held once in two years, on the first Tuesday after the first monday in November. Said elections shall terminate the same day.

Sec. 8. The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and seventy-one, at which time the term of service of the members shall commence, and expire on the first Tuesday of November, one thousand eight hundred and seventy-two; at which session the Governor elected on the ~~first~~ Tuesday in November, one thousand eight hundred and seventy, shall be inaugurated; and, forever thereafter, the General Assembly shall meet on the first Monday in January, next ensuing the election, at which session thereof the Governor shall be inaugurated.

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. Not less than two-thirds of all the members to which each House shall be entitled 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 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 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 any contemptuous behavior 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. No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or substance of the law repealed, revived or amended.

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 have been read and passed, on three different days in each house, and shall have received, on its final passage in each house, the assent of a majority of all the members, to which that house shall be entitled under this constitution; and shall have been signed by the respective Speakers in open session, the fact of such signing to be noted on the Journal; and shall have received the approval of the Governor, or shall have been otherwise passed under the provisions of this constitution.

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."

No law of a general nature shall take effect until forty days after its passage unless the same or the caption thereof shall state that the public welfare requires that it should take effect sooner.

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 five of them, be entered on the journal.

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 traveling to and from the seat of Government, shall be allowed to the members of each General Assembly elected after the ratification of this Constitution, as a compensation for their services. But no member shall be paid for more than seventy-five days of a regular Session, or for more than twenty days of any extra or called Session, or for any day when absent from his seat in the Legislature, unless physically unable to attend. The Senators, when sitting as a court of impeachment, shall each receive four dollars per day of actual attendance.

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, or hold any other office under the State Government, 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 operative 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 property real, personal or mixed shall be taxed, but the Legislature may except such as may be held by the State, by Counties, Cities or Towns, and used exclusively for public or corporation purposes, and such as may be held and used for purposes purely religious, charitable, scientific, literary or educational, and shall except one thousand dollars worth of personal property in the hands of each tax payer, and the direct product of the soil in the hands of the producer, and his immediate vendee.

All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that taxes 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 the same value, but the Legislature shall have power to tax Merchants, Peddlers and privileges, in such manner as they may from time to time direct. The portion of a Merchants Capital used in the purchase of Merchandize sold by him to non-residents and sent beyond the State, shall not be taxed at a rate higher than the ad valorem tax on property. The Legislature shall have power to levy a tax upon incomes derived from Stocks and bonds that are not taxed ad valorem.

All male citizens of this State over the age of twenty one years, except such persons as may be exempted by law on account of age or other infirmity shall be liable to a poll tax of not less than fifty cents nor more than one dollar per annum. Nor shall any County or Corporation levy a poll tax exceeding the amount levied by the State.

SEC. 29. The General Assembly shall have power to authorize 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. But the credit of no County, City or Town shall be given or loaned to or in aid of any person, company, association or corporation, except upon an election to be first held by the qualified votes of such county, city or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city or town become a stockholder with others in any company, association or corporation except upon a like election, and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, and the new County herein authorised to be established out of fractions of Sumner, Macon and Smith counties, Van Buren, White, Putnam, Overton, Jackson, Cumberland, Anderson, Cocke, Coffee, Macon, Henderson, Wayne, Marshall and Roane shall be excepted out of the provisions of this Section so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient when the credit of such county is given or loaned to any person, association or corporation; Provided, that the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty; and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

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

SEC. 31. The credit of this State shall not be hereafter loaned or given to or in aid of any person association, company, corporation or municipality: nor shall the State become the owner in whole or in part of any bank or a Stockholder with others in any association, company, corporation or municipality.

SEC. 32. No Convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the Several States; unless such Convention or General Assembly shall have ben elected after such amendment is submitted.

SEC. 33. No bonds of the State shall be issued to any Rail Road Company which at the time of its application for the same shall be in default in paying the interest upon State bonds previously loaned to it or that shall hereafter and before such application sell or absolutely dispose of any State bonds loaned to it for less than par.

## ARTICLE III.

# Executive Department.

SECTION 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 time 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 by 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: But the Militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare, by law, that the public safety requires it.

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, in which he shall State Specifically the purposes for which they are to convene; but they shall enter on no legislative business except that for which they were specifically 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 for 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.

SEC. 18. Every Bill which may pass both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor for his signature. If he approve, he shall sign it, and the same shall become a law; but if he refuse to sign it, he shall return it with his objections thereto, in writing, to the house in which it originated; and said House shall cause said objections to be entered at large upon its journals, and proceed to reconsider the Bill. If after such reconsideration, a majority of all the members elected to that House shall agree to pass the Bill, notwithstanding the objections of the Executive, it shall be sent, with said objections, to the other House, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that House, it shall become a law. The votes of both Houses shall be determined by yeas and nays, and the names of all the members voting for or against the Bill shall be entered upon the journals of their respective Houses. If the Governor shall fail to return any Bill with his objections within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment, prevents its return, in which case it shall not become a law. Every Joint Resolution or Order, (except on questions of adjournment,) shall likewise be presented to the Governor for his signature, and before it shall take effect shall receive his signature; and on being disapproved by him shall, in like manner, be returned with his objections; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both Houses,

in the manner and according to the rules prescribed in case of a Bill.

## ARTICLE IV.

## Elections.

SECTION 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months, and of the county wherein he may offer his vote for 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; and there Shall be no qualification attached to the right of suffrage, except that each voter Shall give to the judges of election when he offers to vote, Satisfactory evidence that he has paid the poll taxes assessed against him for Such preceding period as the Legislature Shall prescribe, and at Such time as may be prescribed by law; without which his vote cannot be received. And all male citizens of the State Shall be subject to the payment of poll taxes, and to the performance of military duty, within Such ages as may be prescribed by law. The General Assembly Shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of elections and the purity of the ballot-box.

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

SECTION 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.

SECTION 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 V.

## Impeachments.

SECTION 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, and the Chief Justice of the Supreme Court, or if he be on trial, the Senior Associate Judge, Shall preside over them. 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, Treasurer, Comptroller

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 judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law. The Legislature now has, and shall continue to have, power to relieve from the penalties imposed, any person disqualified from holding office by the judgment of a Court of Impeachment.

SEC. 5. Justices of the Peace, and other civil officers, not hereinbefore 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 VI.

# Judicial Department.

SEC. 1. The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish; in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in Corporation Courts as may be deemed necessary. Courts to be holden by Justices of the Peace may also be established.

SEC. 2. The Supreme Court shall consist of five Judges, of whom not more than two shall reside in any one of the grand divisions of the State. The Judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the 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 possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Court shall be held at Knoxville, Nashville and Jackson.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State. The Legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of section two of this article. Every Judge of the Supreme Court shall be thirty-five years of age, and shall before his election have been a resident of the State for five years. His term of service shall be eight years.

SEC. 4. The Judges of the Circuit and Chancery Courts, and of other inferior Courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every Judge of such Courts shall be thirty years of age, and shall before his election, have been a resident of the State for five years, and of the circuit or district one year.

His term of service shall be eight years.

SEC. 5. An Attorney General and Reporter for the State, shall be appointed by the Judges of the Supreme Court and shall hold his office for a term of eight years. An Attorney for the State for any circuit or district, for which a Judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State five years, and of the circuit or district one year. In all cases where the 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 Attorneys for the State may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting separately; but two-thirds of the members to which each House may be entitled 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 or 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 the Circuit, Chancery and other Inferior Courts, shall be as now established by law, until changed by the Legislature.

SEC. 9. The 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 the Inferior Courts of Law and Equity, shall have power in all civil cases, to issue writs of certiorari to remove any cause or the transcript of the record thereof, from any inferior jurisdiction, into such court of law, 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 degrees 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 thus be 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. The Legislature may by general laws make provision that Special Judges may be appointed, to hold any Courts the Judge of which shall be unable or fail to attend or sit; or to hear any cause in which the Judge may be incompetent.

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 six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of the Inferior Courts holden in the respective Counties or Districts, shall be elected by the qualified voters thereof for the term of four years. Any Clerk may be removed from office for malfeasence, 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 of 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 VII.
## State and County Officers.

SEC. 1. There shall be elected in each County, by the qualified voters therein, one Sheriff, one Trustee, one Register; the Sheriff and Trustee for two years, and the Register for four years; But 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 and a Comptroller of the Treasury appointed for the State, by the joint vote of both Houses of the General Assembly, who shall hold their offices for two years.

SEC. 4. The election of all officers, and the filling of all vacancies not otherwise directed or provided by this Constitution, shall be made in such manner as the Legislature shall direct.

SEC. 5. Elections for Judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and for-ever thereafter on the first Thursday in August next preceding the expiration of their respective terms of service. The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and of other executive officers shall be computed from the fifteenth of January next after the election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term.

Every officer shall hold his office until his successor is elected or appointed, and qualified.

No special election shall be held to fill a vacancy in the office of Judge or District Attorney, but at the time herein fixed for the biennial election of civil officers; and such vacancy shall be filled at the next Biennial election occurring more than thirty days after the vacancy occurs.

## ARTICLE VIII.
## Militia

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 Major-Generals, Brigadier-Generals, 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 IX.
## Disqualifications.

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 therwise, in such manner as the Legislature may prescribe.

## ARTICLE X.

## Oaths, Bribery of Electors New Counties.

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 law 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 two hundred and twenty-five Square miles, and which shall contain a population of seven hundred qualified votes; no line of such County shall approach the Court House of any old County from which it may be taken nearer than eleven miles, nor shall such old County be reduced to less than five hundred square miles. But the following exceptions are made to the foregoing provisions viz: New Counties may be established by the present or any succeeding Legislature out of the following Territory to wit: Out of that portion of Olion County which lies west of low water mark of Red Foot Lake: Out of fractions of Sumner Macon and Smith Counties; but no line of such new County shall approach the Court House of Sumner or of Smith Counties nearer than ten miles, nor include any part of Macon County lying within nine and a half miles of the Court House of said County nor shall more than twenty Square miles of Macon County nor any part of Sumner County lying due west of the western

boundary of Macon County, be taken in the formation of said new County: Out of fractions of Granger and Jefferson Counties but no line of such new County shall include any part of Granger County nor of the Holston River; nor shall any line thereof approach the Court House of Jefferson County nearer than eleven miles. Such new County may include any other Territory which is not excluded by any general provision of this Constitution: Out of fractions of Jackson and Overton Counties but no line of such new County shall approach the Court House of Jackson or Overton Counties nearer than ten miles, nor shall such County contain less than four hundred qualified votes, nor shall the area of either of the old Counties be reduced below four hundred and fifty square miles; but of fractions of Roane, Monroe, and Blount Counties, around the town of Loudon; but no line of such new County shall ever approach the towns of Maryville, Kingston, or Madisonville nearer than eleven miles, except that on the South side of the Tennessee River, said lines may approach as near as ten miles to the Court House of Roane County.

The Counties of Lewis, Cheatham, and Sequatchie, as now established by Legislative enactments are hereby declared to be Constitutional Counties. No part of Bledsoe County shall be taken to form a new County or a part thereof or be attached to any adjoining County. That portion of Marion County included within the following boundaries, beginning on the Grundy and Marion County line at the Nickajack trace and running about six hundred yards west of Ben Roseys, to where the Tennessee Coal Rail Road crosses the line, running thence south east through the Pocket near William Summers crossing the Battle Creek Gulf at the corner of Thomas Woolons field, thence running across the Little Gizzard Gulf at Hawen Point, thence in a direct line to the Bridge crossing the Big Fiery Gizzard, thence in a direct line to the mouth of Holy Water Creek, thence up said Creek to the Grundy County line, and thence with said line to the beginning; is hereby detached from Marion County, and attached to the County of Grundy. No part of a County shall be taken off to form a new County or a part thereof without the consent of two-thirds of the qualified voters in such part taken off; and where an old County is 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 the Seat of Justice of any county be removed without the concurrence of two-thirds of the qualified voters of the County. But the foregoing provision requiring a two-thirds majority of the voters of a County to remove its County seat shall not apply to the Counties of Obion and Cooke. The fractions taken from old Counties to form new Counties or taken from one County and added to another shall continue liable for their pro rata of all debts contracted by their respective Counties prior to the separation, and be entitled to their proportion of any Stocks or Credits belonging to such old 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 XI.

# Miscellaneous Provisions.

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; but ordinances contained in any former Constitution or schedule thereto are hereby abrogated.

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 then 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 times 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. The Legislature shall have the right, at any time by law, to submit to the people the question of calling a Convention to alter, reform or abolish this Constitution, and when upon such submission, a majority of all the votes polled shall be in favor of said proposition, then delegates shall be chosen, and the Convention shall assemble in such mode and manner as shall be prescribed.

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

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

SEC. 6. The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimatizing persons; but shall, by general laws, confer this power on the Courts.

SEC. 7. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State; but the Legislature may provide

for a conventional rate of interest, not to exceed ten per centum per annum.

SEC. 8. 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. No corporation shall be created or its powers increased or diminished by Special laws, but the General Assembly shall provide by general laws for the organization of all corporations hereafter created, which laws may, at any time, be altered or repealed. and no such alteration or repeal shall interfere with or divest rights which have become vested.

SEC. 9. 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 expedient

SEC. 10. A well regulated System of internal improvement is calculated to develope the resources of the State, and promote the happiness and prosperity of its citizens; therefore it ought to be encouraged by the General Assembly.

SEC. 11. A homestead in the possession of each head of a family and the improvements thereon, to the value, in all of one thousand dollars shall be exempt from sale under legal process, during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of husband and wife, when that relation exists. This exemption shall not operate against public taxes, nor debts contracted for the purchase money of such homestead, or improvements thereon

SEC. 12. 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 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 appropriations; 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 authorising said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools. The State taxes, derived hereafter from polls shall be appropriated to educational purposes, in such manner as the General Assembly shall from time to time direct by law. No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school. The above provisions shall not prevent the Legislature

from carrying into effect any laws that have been passed in favor of the Colleges, Universities or Academies, or from authorising heirs or distributees to receive and enjoy escheated property under such laws as may be passed from time to time.

SEC. 13. The General Assembly shall have power to enact laws for the protection and preservation of Game and Fish, within the State, and such laws may be enacted for and applied and enforced in particular Counties or geographical districts, designated by the General Assembly.

SEC. 14. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation inclusive or their living together as man and wife in this State is prohibited. The Legislature shall enforce this section by appropriate legislation.

SEC. 15. No person shall in time of peace be required to perform any service to the public on any day set apart by his religion as a day of rest.

SEC. 16. 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.

SEC. 17. No County office created by the Legislature shall be filled otherwise than by the people or the County Court.

# Schedule.

SEC. 1. That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly and all officers elected at or after the general election of March one thousand eight hundred and seventy, shall hold their offices for the terms prescribed in this Constitution.

Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by Judges elected under this Constitution.

All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution

The Secretary of State, Comptroller and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution and until their successors are elected and qualified.

The officers then elected shall hold their offices until the fifteenth day of January one thousand eight hundred and seventy three.

SEC. 2. At the first election of Judges under this Constitution there shall be elected six Judges of the Supreme Court, two from each grand division of the

State who shall hold their offices for the term herein prescribed.

In the event any vacancy shall occur in the office of either of said Judges at any time after the first day of January one thousand eight hundred and seventy three it shall remain unfilled and the Court shall from that time be constituted of five Judges. While the Court shall consist of six Judges they may sit in two sections, and may hear and determine cases in each at the same time, but not in different grand divisions at the same time.

When so sitting the concurrence of two Judges shall be necessary to a decision

The Attorney General and Reporter for the State shall be appointed after the election and qualification of the Judges of the Supreme Court herein provided for.

SEC. 3. Every Judge and every officer of the executive department of this State and every Sheriff holding over under this Constitution, shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same, and the failure of any officer to take such oath shall vacate his office.

SEC. 4. The time which has elapsed from the Sixth day of May one thousand eight hundred and Sixty one until the first day of January one thousand eight hundred and Sixty Seven shall not be computed, in any case affected by the Statutes of limitation, nor shall any writ of error be affected by such lapse of time.

Done in Convention at Nashville the twenty-third day of February in the year of our Lord one thousand eight hundred and Seventy, and of the Independence of the United States, the ninety fourth.

In testimony whereof we have hereunto set our names.

Jno C. Brown President

John Allen
Jesse Apledge
Humphrey R. Bate
Jno: Baxter
A. Blizard
Nathan Brandon
R. L. Brooks
James Britton

Neill S. Brown
James D. Brown
T. W. Burkett
Jno. W. Burton.
Wm. Byrne.
Alex: McCampbell
Wm. Blount Carter
Z. R. Chowning.

James A. Coffin
Warren Cummings

Robt P. Caperton

W. T. Deadrick

Thomas D Davenport

G. G. Dibrell

W. S. Donelly

J. C. Drongool

James. Fentress.

A. T. Fielder

P. T. Fulkerson

Jno. A. Gardner

John E. Garner.

S P Gault

Chas. McGhee

R. Y. Wirt

J. B. Heiskell.

R. Hunnicutt

W. L. L. Hill.

Sptr Hill

Sam'l S. House

Jno. F. House

T. B. Doil.

Thomas M Jones.

David. N. Kennedy.

D. M. Key

Sam J. Kirkpatrick

A. A. Lyle

Jos. A. Mabry

A. G. McDonal

Malcolm McNabb.

Matt Martin

John H. Meeks

Thos. C. Morris.

J Netherland

A. O P Nicholson

Geo C Porter

Jas. D. Porter Jr.

George E. Seay

Samuel G. Shepard

E. H. Shelton

Wm H. Stephens.

Jno. Swayne

J. C. Thompson

W. Vance Thompson

James J Lewis
Gov. & P. Pro Tem

Richard Warner Jr.
Speaker of the Senate

Wm. H. Williamson.
Chief Justice

Attest

T. E. S. Rossworm
Secretary

Thomas W Jones
Assistant Secretary

W. S. Kyle
2nd Assistant Secretary

# State of Tennessee.

In pursuance of the fourth ordinance of the late constitutional Convention of the State of Tennessee, adopted on the Twenty-third of February One thousand eight hundred and Seventy, in the City of Nashville, we D. W. C. Senter, Governor of said State, and John C. Brown, Resident of said Convention, do hereby certify that Dorsey B. Thomas Speaker of the Senate we have carefully compared the votes cast for and against the New Constitution, in the election on the Fourth saturday of March One thousand eight hundred and seventy and we certify that the vote cast in the entire State leaving out the Counties of Knox, Grainger, Roane and Overton, from which there are no official returns) was One hundred and thirty-two thousand. Of these Sixty-eight thousand one hundred and twenty-eight votes were for the New Constitution. and Thirty-three thousand eight hundred and seventy-two votes were for the Old Constitution, and that the majority for the New Constitution is Sixty-four thousand two hundred and fifty six. and we certify according by the ratification of the New Constitution.

Done at the Executive Department in the City of Nashville,
this fifth day of May A.D. One thousand eight hundred and seventy
and of the American Independence the Ninety-fourth.

A.A.U.S. Senter

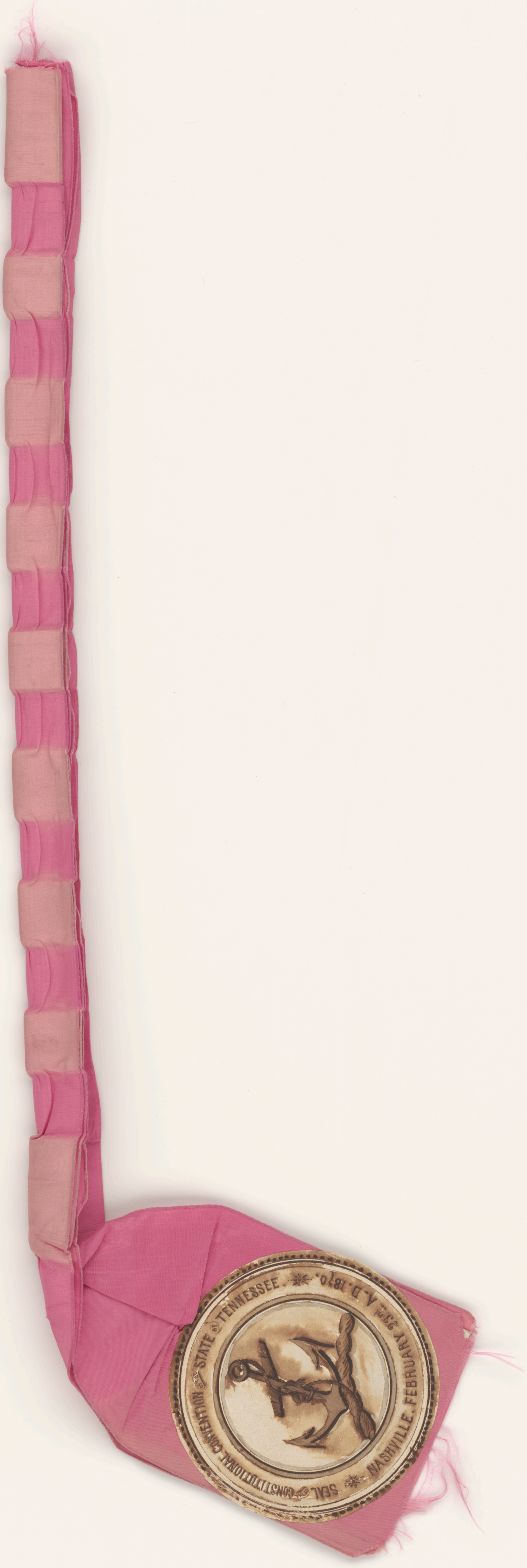
Gov

Geo W. Brown

President &c

S.B. Thomas as

Speaker of the Senate


SEAL OF THE CONSTITUTIONAL CONVENTION STATE OF TENNESSEE, A.D. 1870.
NASHVILLE, FEBRUARY 23rd