Constitution of the state of Missouri: as revised, amended and adopted in convention, begun and held at the city of St. Louis, on the sixth day of January, one thousand eight hundred and sixty-five. Together with the ordinances of said convention. 1865.

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CONSTITUTION

STATE OF MISSOURI,

AS REVISED, AMENDED AND ADOPTED IN CONVENTION,

Begun and held at the City of Saint Louis,

ON THE SIXTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE,

TOGETHER WITH THE ORDINANCES OF SAID CONVENTION.

JEFFERSON CITY:

EMORY S. FOSTER, PUBLIC Printer.

1865.
CONSTITUTION

OF THE

STATE OF MISSOURI,

AS REVISED, AMENDED AND ADOPTED IN CONVENTION,

UN AND HELD AT THE CITY OF ST. LOUIS,

ON THE

SIXTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

TOGETHER

WITH THE ORDINANCES OF SAID CONVENTION:

JEFFERSON CITY:
EMORY S. FOSTER, PUBLIC PRINTER.
1865.
CONSTITUTION.

We, the People of the State of Missouri, grateful to Almighty God, the Sovereign Ruler of Nations, for our State Government, our liberties, and our connection with the American Union, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this revised and amended Constitution:

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare—

1. That we hold it to be self-evident, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness:

2. That there cannot be in this State either slavery or involuntary servitude, except in punishment of crime, whereof the party shall have been duly convicted:

3. That no person can, on account of color, be disqualified as a witness; or be disabled to contract, otherwise than as others are disabled; or be prevented from acquiring, holding, and transmitting property; or be liable to any other punishment for any offense, than that imposed upon others for a like offense; or be restricted in the exercise of religious worship; or be hindered in acquiring education; or be subjected, in law, to any other restraints or disqualifications, in regard to any personal rights, than such as are laid upon others under like circumstances:

4. That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole:

5. That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, when-
ever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States:

6. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State:

7. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of this State in contravention or subversion thereof, can have any binding force:

8. That the people have the right peaceably to assemble for their common good, and to apply to those vested with the powers of government for redress of grievances, by petition or remonstrance; and that their right to bear arms in defense of themselves, and of the lawful authority of the State, cannot be questioned:

9. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no person can, on account of his religious opinions, be rendered ineligible to any office of trust or profit under this State, nor be disqualified from testifying, or from serving as a juror; that no human authority can control or interfere with the rights of conscience; and that no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace, or safety of the State, or with the rights of others:

10. That no person can be compelled to erect, support, or attend any place of worship, or to maintain any minister of the Gospel or teacher of religion; but whatever contracts any person may enter into for any such object ought, in law, to be binding and capable of enforcement, as other contracts:

11. That no preference can ever be given, by law, to any church, sect, or mode of worship:

12. That no religious corporation can be established in this State; except that by a general law, uniform throughout the State, any church, or religious society, or congregation, may become a body corporate, for the sole purpose of acquiring, holding, using, and disposing of so much land as may be required for a house of public worship, a chapel, a parsonage, and a burial ground, and managing the same, and contracting in relation to such land, and the buildings thereon, through a board of trustees, selected by themselves; but the quantity of land to be held by any such body corporate, in connection with a house of worship or a parsonage, shall not exceed five acres in the country, or one acre in a town or city:

13. That every gift, sale, or devise of land to any minister, public teacher, or preacher of the Gospel, as such, or to any religious sect, order, or denomination; or to, or for the support, use, or benefit of, or in trust for, any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination; and every gift or sale of goods or chattels to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit; and also every devise of
CONSTITUTION OF MISSOURI.

goods or chattels, to or for the support, use, or benefit of any minister, public teacher, or preacher of the Gospel, as such, or any religious sect, order, or denomination, shall be void; except always any gift, sale, or devise of land to a church, religious society or congregation, or to any person or persons in trust for the use of a church, religious society or congregation, whether incorporated or not, for the uses and purposes, and within the limitations, of the next preceding clause of this Article:

14. That all elections ought to be free and open:

15. That courts of justice ought to be open to every person, and certain remedy afforded for every injury to person, property, or character; and that right and justice ought to be administered without sale, denial, or delay:

16. That no private property ought to be taken or applied to public use, without just compensation:

17. That the right of trial by jury shall remain inviolate:

18. That in all criminal prosecutions the accused has the right to be heard by himself and his counsel; to demand the nature and cause of accusation; to have compulsory process for witnesses in his favor; to meet the witnesses against him face to face; and in prosecutions on presentment or indictment, to a speedy trial by an impartial jury of the vicinage; that the accused cannot be compelled to give evidence against himself, nor be deprived of life, liberty, or property, but by the judgment of his peers, or the law of the land:

19. That no person, after having been once acquitted by a jury, can, for the same offense, be again put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the next term of said court:

20. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great:

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

22. That the privilege of the writ of habeas corpus cannot be suspended, unless when, in cases of rebellion or invasion, the public safety may require it:

23. That the people ought to be secure in their persons, papers, houses and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, can issue, without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation:

24. That no person can, for an indicable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in the time of war or public danger, or, by leave of court, for oppression or misdemeanor in office:

25. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort:

26. That no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood; that there can be no forfeiture of estate for any crime, except treason; and that the estates of such persons as may destroy their own lives shall descend or vest, as in cases of natural death:

27. That the free communication of thoughts and opinions is one of
the invaluable rights of man, and that every person may freely speak, write, and print, on any subject, being responsible for the abuse of that liberty; that in all prosecutions for libel, the truth thereof may be given in evidence, and the jury may determine the law and the facts, under the direction of the court:

28. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, can be passed:

29. That imprisonment for debt cannot exist in this State, except for fines or penalties imposed for violation of law:

30. That all property subject to taxation ought to be taxed in proportion to its value:

31. That no title of nobility, or hereditary emolument, privilege, or distinction, can be granted:

32. That the military is, and in all cases and at all times, ought to be, in strict subordination to the civil power; that no soldier can, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in such manner as may be prescribed by law; nor can any appropriation for the support of an army be made for a longer period than two years.

ARTICLE II.

RIGHT OF SUFFRAGE.

Section 1. All elections by the people shall be by ballot. No election shall continue longer than one day, except as provided in the twenty-first section of this Article.

Sec. 2. General elections shall be held biennially, on the Tuesday next after the first Monday in November. The first general election under this Constitution shall be held on that day, in the year one thousand eight hundred and sixty-six. Should Congress direct the appointment of Electors of President and Vice-President of the United States on any other day than that now established, the General Assembly may change the time of holding general elections, so as to provide for holding them on the day which may be designated by Congress for that purpose, and on the corresponding day two years thereafter. No special election, State, county, or municipal, shall be appointed to be held on a Monday.

Sec. 3. At any election held by the people under this Constitution, or in pursuance of any law of this State, or under any ordinance or by-law of any municipal corporation, no person shall be deemed a qualified voter, who has ever been in armed hostility to the United States, or to the lawful authorities thereof, or to the Government of this State; or has ever given aid, comfort, countenance, or support to persons engaged in any such hostility; or has ever, in any manner, adhered to the enemies, foreign or domestic, of the United States, either by contributing to them or by unlawfully sending within their lines, money, goods, letters, or information; or has ever disloyally held communication with such enemies; or has ever advised or aided any person to enter the service of such enemies; or has ever, by act or word, manifested his adherence to the cause of such enemies, or his desire for their triumph over the arms of the United States, or his sympathy with those engaged in exciting or carrying on rebellion against
the United States; or has ever, except under overpowering compulsion, submitted to the authority, or been in the service, of the so-called "Confederate States of America;" or has ever left this State, and gone within the lines of the armies of the so-called "Confederate States of America," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization, inimical to the Government of the United States, or to the Government of this State; or has ever been engaged in guerrilla warfare against loyal inhabitants of the United States, or in that description of marauding commonly known as "bushwhacking;" or has ever knowingly and willingly harbored, aided, or countenanced any person so engaged; or has ever come into or left this State, for the purpose of avoiding enrollment for or draft into the military service of the United States; or has ever, with a view to avoid enrollment in the militia of this State, or to escape the performance of duty therein, or for any other purpose, enrolled himself, or authorized himself to be enrolled, by or before any officer, as disloyal, or as a Southern sympathizer, or in any other terms indicating his disaffection to the Government of the United States in its contest with rebellion, or his sympathy with those engaged in such rebellion; or, having ever voted at any election by the people in this State, or in any other of the United States, or in any of their Territories, or held office in this State, or in any other of the United States, or in any of their Territories, or under the United States, shall thereafter have sought or received, under claim of alienage, the protection of any foreign government, through any consul or other officer thereof, in order to secure exemption from military duty in the militia of this State, or in the army of the United States: nor shall any such person be capable of holding in this State any office of honor, trust, or profit under its authority; or of being an officer, councilman, director, trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority; or of acting as a professor or teacher in any educational institution, or in any common or other school; or of holding any real estate or other property in trust for the use of any church, religious society or congregation. But the foregoing provisions in relation to acts done against the United States shall not apply to any person not a citizen thereof, who shall have committed such acts while in the service of some foreign country at war with the United States, and who has, since such acts, been naturalized, or may hereafter be naturalized, under the laws of the United States; and the oath of loyalty hereinafter prescribed, when taken by any such person, shall be considered as taken in such sense.

SEC. 4. The General Assembly shall immediately provide by law for a complete and uniform registration, by election districts, of the names of qualified voters in this State; which registration shall be evidence of the qualification of all registered voters to vote at any election thereafter held; but no person shall be excluded from voting at any election, on account of not being registered, until the General Assembly shall have passed an act of registration, and the same shall have been carried into effect; after which, no person shall vote, unless his name shall have been registered at least ten days before the day of the election; and the fact of such registration shall be no otherwise shown, than by the register, or an authentic copy thereof, certified to the judges of election by the registering officer or officers, or other constituted authority. A new registration shall be made within sixty days next preceding the tenth day prior to every biennial gen-
eral election; and after it shall have been made, no person shall establish his right to vote, by the fact of his name appearing on any previous register.

SEC. 5. Until such a system of registration shall have been established, every person shall, at the time of offering to vote, and before his vote shall be received, take an oath in the terms prescribed in the next succeeding section. After such a system shall have been established, the said oath shall be taken and subscribed by the voter at each time of his registration. Any person declining to take said oath shall not be allowed to vote, or to be registered as a qualified voter. The taking thereof shall not be deemed conclusive evidence of the right of the person to vote, or to be registered as a voter; but such right may, notwithstanding, be disproved. And, after a system of registration shall have been established, all evidence for and against the right of any person as a qualified voter, shall be heard and passed upon by the registering officer or officers, and not by the judges of election. The registering officer or officers shall keep a register of the names of persons rejected as voters, and the same shall be certified to the judges of election; and they shall receive the ballot of any such rejected voter offering to vote, marking the same, and certifying the vote thereby given, as rejected; but no such vote shall be received, unless the party offering it take, at the time, the oath of loyalty hereinafter prescribed.

SEC. 6. The oath to be taken as aforesaid shall be known as the Oath of Loyalty, and shall be in the following terms:

"I, A. B., do solemnly swear, that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted in the year eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof, as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; that I will support the Constitution of the State of Missouri; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me."

SEC. 7. Within sixty days after this Constitution takes effect, every person in this State holding any office of honor, trust, or profit under the Constitution or laws thereof, or under any municipal corporation, or any of the other offices, positions, or trusts mentioned in the third section of this Article, shall take and subscribe the said oath. If any officer or person referred to in this section shall fail to comply with the requirements thereof, his office, position, or trust shall, ipso facto, become vacant, and the vacancy shall be filled according to the law governing the case.

SEC. 8. No vote in any election by the people shall be cast up for, nor shall any certificate of election be granted to any person, who shall not, within fifteen days next preceding such election, have taken, subscribed, and filed said oath.

SEC. 9. No person shall assume the duties of any State, county, city, town, or other office, to which he may be appointed, otherwise than by a
vote of the people; nor shall any person, after the expiration of sixty days after this Constitution takes effect, be permitted to practice as an attorney or counsellor at law; nor, after that time, shall any person be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, or preach, or solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath.

SEC. 10. Oaths taken in pursuance of the seventh, eighth, and ninth sections of this Article, shall be filed, as follows: By a State civil officer, or a candidate for a State civil office, and by members and officers of the present General Assembly, in the office of the Secretary of State; by a military officer in the office of the Adjutant General by a candidate for either house of the General Assembly, in the clerk's office of the county court of the county of his residence, or in that of the county where the vote of the district is required by law to be cast up, and the certificate of election granted; by a city or town officer, in the office where the archives of such city or town are kept; and in all other cases, in the office of the clerk of the county court of the county of the person's residence.

SEC. 11. Every court in which any person shall be summoned to serve as a grand or petit juror, shall require him, before he is sworn as a juror, to take said oath, in open court; and no person refusing to take the same shall serve as a juror.

SEC. 12. If any person shall declare that he has conscientious scruples against taking an oath, or swearing in any form, the said oath may be changed into a solemn affirmation, and be made by him in that form.

SEC. 13. In addition to the oath of loyalty aforesaid, every person who may be elected or appointed to any office, shall, before entering upon its duties, take and subscribe an oath or affirmation that he will, to the best of his skill and ability, diligently and faithfully, without partiality or prejudice, discharge the duties of such office according to the Constitution and laws of this State.

SEC. 14. Whoever shall, after the times limited in the seventh and ninth sections of this Article, hold or exercise any of the offices, positions, trusts, professions, or functions therein specified, without having taken, subscribed, and filed said oath of loyalty, shall, on conviction thereof, be punished by fine, not less than five hundred dollars, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and whoever shall take said oath falsely, by swearing or by affirmation, shall, on conviction thereof, be adjudged guilty of perjury, and be punished by imprisonment in the penitentiary not less than two years.

SEC. 15. Whoever shall be convicted of having directly or indirectly, given or offered any bribe, to procure his election or appointment to any office, shall be disqualified for any office of honor, trust or profit under this State; and whoever shall give or offer any bribe to procure the election or appointment of any other person to any office, shall, on conviction thereof, be disqualified for a voter, or any office of honor, trust or profit under this State, for ten years after such conviction.

SEC. 16. No officer, soldier, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.

SEC. 17. No person who shall make, or become, directly or indirectly,
interested in, any bet or wager depending upon the result of any election, shall vote at such election.

Sec. 18. Every white male citizen of the United States, and every white male person of foreign birth who may have declared his intention to become a citizen of the United States, according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, who is not disqualified by or under any of the provisions of this Constitution, and who shall have complied with its requirements, and have resided in this State one year next preceding any election, or next preceding his registration as a voter, and during the last sixty days of that period shall have resided in the county, city, or town where he offers to vote, or seeks registration as a voter, shall be entitled to vote at such election, for all officers, State, county, or municipal, made elective by the people; but he shall not vote elsewhere than in the election district of which he is at the time a resident, or, after a system of registration of votes shall have been established, in the election district where his name is registered; except as provided in the twenty-first section of this Article.

Sec. 19. After the first day of January, one thousand eight hundred and seventy-six, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required, be able to read and write, in order to become a qualified voter; unless his inability to read or write shall be the result of a physical disability.

Sec. 20. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student in any seminary of learning; nor while kept at any poorhouse, or other asylum, at public expense; nor while confined in any public prison.

Sec. 21. Any qualified voter under the eighteenth section of this Article who may be absent from the place of his residence, by reason of being in the volunteer army of the United States, or in the militia force of this State, in the service thereof; or of the United States, whether within or without the State, shall, without registration, be entitled to vote in any election occurring during such absence. The votes of all such persons, where they may be, may be taken on the day fixed by law for such election, or on any day or days within twenty days next prior thereto; and the General Assembly shall provide by law for the taking, return, and counting of such votes. Every such person shall take the same oath that all other voters may be required to take, in order to vote.

Sec. 22. Voters shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their continuance at election, and in going to and returning from the same.

Sec. 23. Any person who may at any time have done any act which, under the third section of this Article, has disqualified or may disqualify him, as therein expressed, and who shall, after the commission of such act, have voluntarily entered the military service of the United States, and have been honorably discharged therefrom, and after such discharge have demeaned himself in all respects as a loyal and faithful citizen, may be relieved from such disqualification. In order thereto, he shall, in person, present his petition to the Circuit Court of the county of his residence, stating specifically the act or acts which produced such disqualification, and
the grounds upon which he prays to be relieved therefrom; and the court shall set a day for hearing the cause, not less than five days after the presentation of the petition; when, if it appear by competent proof that the petitioner is justly entitled to the relief prayed for, the court shall make a decree removing such disqualification. But any act done by such person after the date of such decree, which would impose a disqualification under said third section of this Article, shall make such decree null and void, and remit him to his previous condition of disqualification; and no such decree shall be granted a second time in his favor.

SEC. 24. After any person shall have been so relieved by the decree of a circuit court, he shall, in order to vote, or hold any of the offices, positions, or trusts, or exercise any of the privileges or functions hereinbefore specified, take the oath of loyalty aforesaid, except the part thereof which refers to the third section of this Article and to the past acts or loyalty of the person taking the oath.

SEC. 25. After the first day of January, one thousand eight hundred and seventy-one, and until the date hereinafter named, the General Assembly shall have power, if a majority of all the members elected to both houses concur therein, to suspend or repeal any part of the third, fifth, and sixth sections of this Article, so far as the same relate to the qualifications of voters, but no further. After the first day of January, one thousand eight hundred and seventy-five, the General Assembly may wholly suspend or repeal the third, fourth, fifth, sixth, eighth, ninth, tenth, eleventh and twelfth sections of this Article, or any part thereof, if a like majority of both houses concur therein. But no such suspension or repeal shall have the effect of dispensing with the taking, by every person elected or appointed to any office in this State, of so much of the oath of loyalty aforesaid as follows the word "domestic." On the passage of any bill, suspending or repealing any of said sections, or any part thereof, the votes of both houses shall be taken by yeas and nays, and entered on the journals of the houses, respectively. The General Assembly shall also have power, at any time, to remove any such suspension or repeal, and reinstate the provisions suspended or repealed, in full force and effect as a part of this Constitution. Every suspension or repeal made in pursuance of this section, shall be general in its terms, and not in any case in favor of any named person; but the General Assembly may except from the benefit of such suspension or repeal any person, or class of persons, it may see fit.

SEC. 26. The General Assembly shall provide for the exclusion from every office of honor, trust, or profit within this State, and from the right of suffrage, of any person convicted of bribery, perjury, or other infamous crime.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy; and no person charged with the exercise of powers properly belonging to one of those departments shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.
Section 1. The legislative power shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen, every second year, by the qualified voters of the several counties, and apportioned in the following manner:

The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of permanent inhabitants of the State by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having three times said ratio shall be entitled to two Representatives; each county having six times said ratio shall be entitled to three Representatives; and so on above that number, giving one additional member for every three additional ratios. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Representatives; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Representative, who shall be a resident of such district.

Sec. 3. No person shall be a member of the House of Representatives, who shall not have attained the age of twenty-four years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State two years, and an inhabitant of the county which he may be chosen to represent one year, next before the day of his election, if such county shall have been so long established; but if not, then of the county from which the same shall have been taken; and who shall not have paid a State and county tax.

Sec. 4. The Senate shall consist of thirty-four members, to be chosen by the qualified voters for four years; for the election of whom the State shall be divided into convenient districts.

Sec. 5. No person shall be a Senator who shall not have attained the age of thirty years; who shall not be a white male citizen of the United States; who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year, next before the day of his election, if such district shall have been so long established; but if not, then of the district or districts from which the same shall have been taken; and who shall not have paid a State and county tax. When any county shall be entitled to more than one Senator, the county court shall cause such county to be subdivided into as many compact and convenient districts as such county may be entitled to Senators; which districts shall be, as near as may be, of equal population; and the qualified voters of each of such districts shall elect one Senator, who shall be a resident of such district.

Sec. 6. Senators shall be apportioned among their respective districts, as nearly as may be, according to the number of permanent inhabitants in each.

Sec. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next
decennial census taken by the United States shall have been made, and
the result thereof as to this State ascertained, when the apportionment
shall be revised and adjusted on the basis of that census. In the year one
thousand eight hundred and seventy-six, and every tenth year thereafter,
there shall be taken, under the authority of this State, a census of the
inhabitants thereof; and after every such census the apportionment of Sen­
tators and Representatives may be based thereon, until the next succeeding
National census; after which it may be based upon the National census,
until the next succeeding decennial State census; and so on, from time to
time; the enumerations made by the United States and this State shall be
used, as they respectively occur, as the basis of apportionment.

SEC. 8. Senatorial and Representative districts may be altered, from
time to time, as public convenience may require. When any senatorial
district shall be composed of two or more counties, they shall be contiguous.

SEC. 9. The first election of Senators and Representatives under this
Constitution shall be held at the general election in the year one thousand
eight hundred and sixty-six, when the whole number of Senators and Rep­
resentatives shall be chosen.

SEC. 10. At the regular session of the General Assembly chosen at said
election, the Senators shall be divided into two equal classes. Those
elected from districts bearing odd numbers shall compose the first class,
and those elected from districts bearing even numbers shall compose the
second class. The seats of the first class shall be vacated at the end of
the second year after the day of said election, and those of the second class
at the end of the fourth year after that day; so that one-half of the Senators
shall be chosen every second year. In districting any county for the elec­
tion of Senators, the districts shall be numbered, so as to effectuate the
division of Senators into classes, as required in this section.

SEC. 11. No member of Congress, or person holding any lucrative office
under the United States or this State (militia officers, justices of the peace,
and notaries public excepted,) shall be eligible to either house of the Gen­
eral Assembly, or shall remain a member thereof after having accepted any
such office, or a seat in either house of Congress.

SEC. 12. No person who now is, or may hereafter be a collector or
holder of public money, or assistant or deputy of such collector or holder
of public money, shall be eligible to either house of the General Assembly,
until he shall have accounted for and paid all sums for which he may be
accountable.

SEC. 13. If any Senator or Representative remove his residence from
the district or county for which he was elected, his office shall thereby be
vacated.

SEC. 14. The Governor shall issue writs of election to fill such vacancies
as may occur in either house of the General Assembly.

SEC. 15. No Senator or Representative shall, during the term for which
he shall have been elected, be appointed to any civil office under this State,
which shall have been created, or the emoluments of which shall have been
increased, during his continuance in office as a Senator or Representative,
except to such offices as shall be filled by elections of the people.

SEC. 16. 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 for fifteen days next before the commence­
ment and after the termination of each session; and for any speech or
debate in either house, they shall not be questioned in any other place.
SEC. 17. The members of the General Assembly shall severally receive from the public Treasury such compensation for their services as may, from time to time, be provided by law; but no law increasing such compensation shall take effect in favor of the members of the General Assembly by which the same shall have been passed.

SEC. 18. A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 19. Each house shall appoint its own officers; shall judge of the qualifications, elections, and returns of its own members; may determine the rules of its proceedings; may arrest and punish, by fine, not exceeding three hundred dollars, or by imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence, during its session; may punish its members for disorderly behavior; and, with the concurrence of two-thirds of all the members elected, may expel a member; but no member shall be expelled a second time for the same cause.

SEC. 20. Each house shall, from time to time, publish a journal of its proceedings, except such parts thereof as may, in its opinion, require secrecy; and the yeas and nays on any question shall be taken, and entered on the journal, at the desire of any two members. Whenever the yeas and nays are demanded the whole list of members shall be called, and the names of absentees shall be noted, and published with the journal.

SEC. 21. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

SEC. 23. Bills may originate in either house, and may be altered, amended or rejected by the other; and every bill shall be read on three different days in each house, unless two-thirds of the house, where the same is pending, shall dispense with this rule; and every bill, having passed both houses, shall be signed by the Speaker of the House of Representatives, and by the President of the Senate.

SEC. 24. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly; and the question upon the final passage shall be taken immediately upon the last reading; and the yeas and nays shall be taken thereon and entered upon the journal.

SEC. 25. No act shall be revived or re-enacted by mere reference to the title thereof; nor shall any act be amended by providing that designated words thereof shall be struck out, or that designated words shall be struck out and others inserted in lieu thereof; but in every such case the act revived or re-enacted, or the act, or part of act, amended, shall be set forth and published at length, as if it were an original act or provision.

SEC. 26. The style of the laws of this State shall be—"Be it enacted by the General Assembly of the State of Missouri, as follows."

SEC. 27. The General Assembly shall not pass special laws divorcing any named parties; or declaring any named person of age; or authorizing any named minor to sell, lease, or encumber his or her property; or pro-
viding for the sale of the real estate of any named minor or other person, laboring under legal disability, by any executor, administrator, guardian, trustee, or other person; or changing the name of any person; or establishing, locating, altering the course, or affecting the construction of roads, or the building or repairing of bridges; or establishing, altering, or vacating any street, avenue, or alley in any city or town; or extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties; or giving effect to informal or invalid wills or deeds; or legalizing, except as against the State, the unauthorized or invalid acts of any officer; or granting to any individual or company the right to lay down railroad tracks in the streets of any city or town; or exempting any property of any named person or corporation from taxation. The General Assembly shall pass no special law for any case for which provision can be made by a general law; but shall pass general laws providing, so far as it may deem necessary, for the cases enumerated in this section, and for all other cases where a general law can be made applicable.

SEC. 28. The General Assembly shall never authorize any lottery; nor shall the sale of lottery tickets be allowed; nor shall any lottery heretofore authorized be permitted to be drawn, or tickets therein to be sold.

SEC. 29. The General Assembly shall have no power to make compensation for emancipated slaves.

SEC. 30. The General Assembly shall have no power to remove the county seat of any county unless two-thirds of the qualified voters of the county, at a general election, shall vote in favor of such removal. No compensation or indemnity for real estate, or the improvements thereon, affected by such removal, shall be allowed.

SEC. 31. The General Assembly shall have no power to establish any new county with a territory of less than five hundred square miles, or with a population less than the ratio of representation existing at the time; nor to reduce any county now established to less than that area, or to less population than such ratio.

SEC. 32. No law, enacted by the General Assembly, shall relate to more than one subject, and that shall be expressed in the title; but if any subject embraced in an act be not expressed in the title, such act shall be void only as to so much thereof as is not so expressed.

SEC. 33. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

SEC. 34. When any officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house, the votes shall be publicly given *viva voce*, and entered on the journals.

SEC. 35. The General Assembly, elected in the year one thousand eight hundred and sixty-six, shall meet on the first Wednesday of January, one thousand eight hundred and sixty-seven; and thereafter the General Assembly shall meet, in regular session, once in every two years; and such meeting shall be on the first Wednesday of January, unless a different day be fixed by law.
ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Missouri."

SEC. 2. The Governor shall be at least thirty-five years old, a white male citizen of the United States ten years, and a resident of this State seven years, next before his election.

SEC. 3. The Governor elected at the general election in the year one thousand eight hundred and sixty-eight, and each Governor thereafter elected, shall hold his office two years, and until a successor be duly elected and qualified. At the time and place of voting for members of the House of Representatives, the qualified voters shall vote for a Governor; and when two or more persons have an equal number of votes, and a higher number than any other person, the election shall be decided between them by a joint vote of both houses of the General Assembly, at their next session.

SEC. 4. The Governor shall not be eligible to office more than four years in six.

SEC. 5. The Governor shall be commander-in-chief of the militia of this State, except when they shall be called into the service of the United States; but he need not command in person, unless advised to do so by a resolution of the General Assembly.

SEC. 6. The Governor shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation, or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon, or reprieve, and the reasons for granting the same. He shall take care that the laws be distributed and faithfully executed; and shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall, from time to time, give to the General Assembly information relative to the state of the Government, and shall recommend to their consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation; wherein he shall state specifically each matter concerning which the action of that body is deemed necessary; and the General Assembly shall have no power, when so convened, to act upon any matter not so stated in the proclamation.

SEC. 8. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall be duly elected or appointed, and qualified, according to law.

SEC. 9. Every bill which shall have been passed by both houses of the General Assembly, before it becomes a law, shall be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the house in which it shall have originated; and the house shall cause the objections to be entered at large on its jour-
nals, and shall proceed to reconsider the bill. After such reconsideration, if a majority of all the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall, in like manner, be reconsidered; and if approved by a majority of all the members elected to that house, it shall become a law. In all such cases, the votes of both such houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if the Governor had signed it, unless the General Assembly, by its adjournment, shall prevent its return; in which case it shall not become a law, unless the Governor, after such adjournment, and within ten days after the bill was presented to him, (Sundays excepted,) shall sign and deposit the same in the office of the Secretary of State; in which case it shall become a law, in like manner as if it had been signed by him during the session of the General Assembly.

SEC. 10. Every resolution, to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill.

SEC. 11. The Governor shall, at stated times, receive for his services an adequate salary, to be fixed by law; which shall neither be increased nor diminished during his continuance in office.

SEC. 12. There shall be a Lieutenant Governor, who shall be elected at the same time, in the same manner, for the same term, and shall possess the same qualifications, as the Governor.

SEC. 13. The Lieutenant Governor, by virtue of his office, shall be President of the Senate. In Committee on the Whole, he may debate on all questions; and when there is an equal division, shall give the casting vote in the Senate, and also in joint vote of both houses.

SEC. 14. When the office of Governor shall become vacant, by death, resignation, removal from the State, removal from office, refusal to qualify, or otherwise, the Lieutenant Governor shall perform the duties, possess the powers, and receive the compensation of the Governor, during the remainder of the term for which the Governor was elected. When the Governor is absent from the State, or is unable, from sickness, to perform his duties, or is under impeachment, the Lieutenant Governor shall perform said duties, possess said powers, and receive said compensation, until the Governor return to the State, be enabled to resume his duties, or be acquitted. If there be no Lieutenant Governor, or if he be absent from the State, disabled by sickness, or under impeachment, the President of the Senate pro tempore, or, in case of like absence or disability on his part, or of there being no President of the Senate pro tempore, the Speaker of the House of Representatives, shall assume the office of Governor, in the same manner, and with the same powers and compensation, as are prescribed in the case of the office devolving on the Lieutenant Governor.

SEC. 15. The Lieutenant Governor, or the President of the Senate pro tempore, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 16. There shall be a Secretary of State, a State Auditor, a State
Treasurer, and an Attorney General, who shall be elected by the qualified voters of the State, at the same time, in the same manner, and for the same term of office as the Governor. No person shall be eligible to either of said offices, unless he be a white male citizen of the United States, and at least twenty-five years old, and shall have resided in this State five years next before his election. The Secretary of State, the State Auditor, the State Treasurer, and the Attorney General, shall keep their respective offices at the seat of Government, and shall perform such duties as may be required of them by law.

SEC. 17. The returns of all elections of Governor, Lieutenant Governor and other State officers shall be made to the Secretary of State in such manner as may be prescribed by law.

SEC. 18. Contested elections of Governor and Lieutenant Governor shall be decided by joint vote of both houses of the General Assembly in such manner as may be prescribed by law.

SEC. 19. Contested elections of Secretary of State, State Auditor, State Treasurer, and Attorney General, shall be decided before such tribunal, and in such manner, as may be by law provided.

SEC. 20. The Secretary of State shall be the custodian of the seal of State, and shall authenticate therewith all official acts of the Governor, his approbation of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri;" and the emblems and devices thereof heretofore prescribed by law shall not be subject to change.

SEC. 21. The Secretary of State shall keep a register of the official acts of the Governor, and, when necessary, shall attest them; and shall lay copies of the same, together with copies of all papers relating thereto, before either house of the General Assembly, whenever required to do so.

SEC. 22. There shall be elected by the qualified voters in each county, at the time and places of electing representatives, a sheriff and a coroner. They shall serve for two years, and until a successor be duly elected and qualified, unless sooner removed for malfeasance in office, and shall be ineligible four years in any period of eight years. Before entering on the duties of their office they shall give security in such amount, and in such manner, as shall be prescribed by law. Whenever a county shall be hereafter established, the Governor shall appoint a sheriff and a coroner therein, who shall continue in office until the next succeeding general election, and until a successor shall be duly elected and qualified.

SEC. 23. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same; and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled, for the remainder of the term, by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

SEC. 24. In all elections for sheriff and coroner, when two or more persons have an equal number of votes, and a higher than any other person, the presiding judge of the county court of the county shall give the
casting vote; and all contested elections for the said offices shall be decided by the circuit court of the proper county, in such manner as the General Assembly may, by law, prescribe.

Sec. 25. The Governor shall commission all officers not otherwise provided by law. All commissions shall run in the name and by the authority of the State of Missouri, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

Sec. 26. The appointment of all officers, not otherwise directed by this Constitution, shall be made in such manner as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

Section 1. The judicial power, as to matters of law and equity, shall be vested in a Supreme Court, in District Courts, in Circuit Courts, and in such inferior tribunals as the General Assembly may, from time to time, establish.

Sec. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under the restrictions and limitations in this Constitution provided.

Sec. 3. The Supreme Court shall have a general superintending control over all inferior courts of law. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, and other original remedial writs, and to hear and determine the same.

Sec. 4. The Supreme Court shall consist of three judges, any two of whom shall be a quorum; and the said judges shall be conservators of the peace throughout the State.

Sec. 5. The State shall be divided into convenient districts, not to exceed four, in each of which the Supreme Court shall be held, at such time and place as the General Assembly may appoint; and when sitting in either district it shall exercise jurisdiction over causes originating in that district only; but the General Assembly may direct, by law, that the said court shall be held at one place only.

Sec. 6. The judges of the Supreme Court shall hold office for the term of six years, and until their successors shall be duly elected and qualified, except as hereinafter provided.

Sec. 7. At the general election in the year one thousand eight hundred and sixty-eight, all the judges of the Supreme Court shall be elected by the qualified voters of the State, and shall enter upon their office on the first Monday of January next ensuing. At the first session of the court thereafter the judges shall, by lot, determine the duration of their several terms of office, which shall be respectively two, four, and six years; and shall certify the result to the Secretary of State. At the general election every two years after said first election, one judge of said court shall be elected, to hold office for the period of six years from the first Monday of January next ensuing. The judge having at any time the shortest term to serve shall be the presiding judge of the court.

Sec. 8. If a vacancy shall happen in the office of any judge of the Supreme Court, by death, resignation, removal out of the State, or other disqualification, the Governor shall appoint a suitable person to fill the
vacancy until the next general election occurring more than three months after the happening of such vacancy, when the same shall be filled by
election, by the qualified voters of the State, for the residue of the term.

SEC. 9. In case of a tie, or a contested election between the candidates,
the same shall be determined in the manner prescribed by law.

SEC. 10. If, in regard to any cause pending in the Supreme Court, the
judges sitting shall be equally divided in opinion, no judgment shall be
entered therein, based on such division; but the parties to the cause may
agree upon some person, learned in the law, who shall act as special judge
in the cause, and who shall therein sit with the court, and give decision, in
the same manner and with the same effect as one of the judges. If the
parties cannot agree upon a special judge, the court shall appoint one.

SEC. 11. The judges of the Supreme Court shall give their opinion
upon important questions of constitutional law, and upon solemn occasions,
when required by the Governor, the Senate, or the House of Representa­
tives; and all such opinions shall be published in connection with the re­
ported decisions of said court.

SEC. 12. The State, except the county of St. Louis, shall be divided
into not less than five districts, each of which shall embrace at least three
judicial circuits; and in each district a court, to be known as the District
Court, shall be held, at such times and places as may be provided by law.
Each District Court shall be held by the Judges of the Circuit Courts
embraced in the district, a majority of whom shall be a quorum. The Dis­
trict Courts shall, within their respective districts, have like original juris­
diction with the Supreme Court, and appellate jurisdiction from the final
judgments of the Circuit Courts, and of all inferior courts of record within
the district, except Probate and County Courts. After the establishment of
such District Courts, no appeal or writ of error shall lie from any Circuit
Court, or inferior court of record, to the Supreme Court, but shall be prose­
cuted to the District Court, from the final judgments of which an appeal or
writ of error may be taken to the Supreme Court, in such cases as may be
provided by law.

SEC. 13. The Circuit Court shall have jurisdiction over all criminal
cases, which shall not be otherwise provided for by law; and exclusive ori­
ginal jurisdiction in all civil cases which shall not be cognizable before jus­
tices of the peace, until otherwise directed by the General Assembly. It
shall hold its terms at such time and place, in each county, as may be by
law directed.

SEC. 14. The State shall be divided into convenient circuits, of which
the county of St. Louis shall constitute one, for each of which, except as in
the next succeeding section specified, a judge shall be elected by the quali­
fied voters of the respective circuits, and, except as hereinafter provided,
shall be elected for the term of six years; but may continue in office
until his successor shall be elected and qualified; and the judge of each
circuit, after his election or appointment, as hereinafter provided, shall
reside in, and be a conservator of the peace within the circuit for which he
shall be elected or appointed; and if any vacancy shall happen in the office
of any circuit judge, by death, resignation, removal out of his circuit, or
by any other disqualification, the Governor shall, upon being satisfied that
a vacancy exists, issue a writ of election to fill such vacancy; provided
that said vacancy shall happen at least six months before the next general
election for said judge; but if such vacancy shall happen within six months
of the general election aforesaid, the Governor shall appoint a judge for such circuit; but every election or appointment, to fill a vacancy, shall be for the residue of the term only. And the General Assembly shall provide, by law, for the election of said judges in their respective circuits; and in case of a tie, or contested election between the candidates, the same shall be determined in the manner to be prescribed by law. And the General Assembly shall provide, by law, for the election of said judges, in their respective circuits, to fill any vacancy which shall occur at any time at least six months before a general election for said judges. At the general election in the year one thousand eight hundred and sixty-eight, and at the general election every sixth year thereafter, except as hereinafter provided, all the circuit judges shall be elected, and shall enter upon their offices on the first Monday of January next ensuing. No judicial circuit shall be altered or changed at any session of the General Assembly next preceding the general election for said judges.

Sec. 15. From and after the first day of January, one thousand eight hundred and sixty-six, the Circuit Court of the county of St. Louis shall be composed of three judges, each of whom shall try causes separately, and all, or a majority of whom, shall constitute a court in bank, to decide questions of law, and to correct errors occurring in trials; and, from and after that day, there shall not be in said county any other court of record having civil jurisdiction, except a probate court and a county court. The additional judges of the Circuit Court of the county of St. Louis, authorized by this section, shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold their offices until the next general election of judges of circuit courts, when the whole number of the judges of said court shall be elected. At the first session of said court after the judges thereof who may be elected in the year one thousand eight hundred and sixty-eight shall have assumed office, the said judges shall, by lot, determine the duration of their several terms of office, which shall be, respectively, two, four and six years; and shall certify the result to the Secretary of State. At the general election every two years, after the election in that year, one judge of said court shall be elected, to hold office for the term of six years from the first Monday of January next ensuing. The General Assembly shall have power to increase the number of the judges of said court, from time to time, as the public interest may require. Any additional judges authorized shall hold office for the term of six years, and be elected at a general election, and enter upon their office on the first Monday of January next ensuing.

Sec. 16. The provisions contained in this Article, requiring an election to be held to fill a vacancy in the office of judges of the Supreme and Circuit Courts, shall have relation to vacancies occurring after the year one thousand eight hundred and sixty-eight; up to which time any such vacancy shall be filled by appointment by the Governor.

Sec. 17. If there be a vacancy in the office of judge of any circuit, or if he be sick, absent, or from any cause unable to hold any term of court of any county of his circuit, such term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court in his circuit may be held by the judge of any other circuit.

Sec. 18. No person shall be elected or appointed a judge of the Supreme Court, nor of a Circuit Court, before he shall have attained to the age of thirty years, and have been a citizen of the United States five years, and a qualified voter of this State three years.
Sec. 19. Any judge of the Supreme Court or the Circuit Court, may be removed from office, on the address of two thirds of each house of the General Assembly to the Governor for that purpose; but each house shall state, on its respective journal, the cause for which it shall wish the removal of such judge, and give him notice thereof; and he shall have the right to be heard in his defense, in such manner as the General Assembly shall by law direct; but no judge shall be removed in this manner for any cause for which he might have been impeached.

Sec. 20. The judges of the Supreme Court, and the judges of the Circuit Courts, shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during the period for which they were elected.

Sec. 21. The Circuit Court shall exercise a superintending control over all such inferior tribunals as the General Assembly may establish, and over justices of the peace in each county in their respective circuits.

Sec. 22. The Supreme Court and the District Courts shall appoint their respective clerks. Clerks of all other courts of record shall be elected by the qualified voters of the county, at a general election, and shall hold office for the term of four years from and after the first Monday of January next ensuing, and until their successors are duly elected and qualified. The first election of such clerks, after the adoption of this Constitution, shall be at the general election in the year one thousand eight hundred and sixty-six; any existing law of this State to the contrary notwithstanding.

Sec. 23. Inferior tribunals, to be known as County Courts, shall be established in each county for the transaction of all county business. In such courts, or in such other tribunals inferior to the Circuit Courts, as the General Assembly may establish, shall be vested the jurisdiction of all matters appertaining to probate business, to granting letters testamentary and of administration, to settling the accounts of executors, administrators and guardians, and to the appointment of guardians, and such other jurisdiction as may be conferred by law.

Sec. 24. No clerk of any court, established by this Constitution, or by any law of this State, shall apply to his own use, from the fees and emoluments of his office, a greater sum than two thousand five hundred dollars for each year of his official term, after paying out of such fees and emoluments such amounts for deputies and assistants in his office as the court may deem necessary, and may allow; but all surplus of such fees and emoluments over that sum, after paying the amounts so allowed, shall be paid into the county treasury for the use of the county. The General Assembly shall pass such laws as may be necessary to carry into effect the provisions of this section.

Sec. 25. In each county there shall be appointed, or elected, as many justices of the peace as the public good may be thought to require. Their powers and duties, and their duration in office, shall be regulated by law.

Sec. 26. All writs and process shall run, and all prosecutions shall be conducted, in the name of the "State of Missouri;" all writs shall be tested by the clerk of the court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."
ARTICLE VII.

IMPEACHMENTS.

Section 1. The Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and all judges of the courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend farther than removal from office, and disqualification to hold any office of honor, trust, or profit under this State.

Sec. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to law and evidence. When the Governor shall be tried the presiding Judge of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present.

ARTICLE VIII.

BANKS AND CORPORATIONS.

Section 1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation any notes, bills, or other paper, or the paper of any other bank, to circulate as money; and the General Assembly shall prohibit, by law, individuals and corporations from issuing bills, checks, tickets, promissory notes, or other paper to circulate as money.

Sec. 2. No law shall be passed reviving or re-enacting any act heretofore passed creating any private corporation, where such corporation shall not have been organized and commenced the transaction of its business within one year from the time such act took effect, or within such other time as may have been prescribed in such act for such organization and commencement of business.

Sec. 3. The General Assembly shall, at its first session after this Constitution goes into effect, enact laws enabling any of the existing banks of issue to reorganize as national banks under the act of Congress; and shall also provide for the sale of the stock owned by this State in the Bank of the State of Missouri, upon such terms and conditions as shall be by law established.

Sec. 4. Corporations may be formed under general laws, but shall not be created by special acts, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered, amended, or repealed.

Sec. 5. No municipal corporations, except cities, shall be created by special act; and no city shall be incorporated with less than five thousand permanent inhabitants, nor unless the people thereof, by a direct vote upon the question, shall have decided in favor of such incorporation.

Sec. 6. Dues from private corporations shall be secured by such means as may be prescribed by law; but in all cases each stockholder shall be individually liable, over and above the stock by him or her owned, and any amount unpaid thereon, in a further sum, at least equal in amount to such stock.
CONSTITUTION OF MISSOURI.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free schools for the gratuitous instruction of all persons in this State, between the ages of five and twenty-one years.

SEC. 2. Separate schools may be established for children of African descent. All funds provided for the support of public schools shall be appropriated in proportion to the number of children, without regard to color.

SEC. 3. The supervision of public instruction shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. A Superintendent of Public Schools, who shall be the President of the Board, shall be elected by the qualified voters of the State. He shall possess the qualifications of a State Senator, and hold his office for the term of four years; and shall perform such duties, and receive such compensation, as may be prescribed by law. The Secretary of State and Attorney General shall be ex-officio members, and, with the Superintendent, compose said Board of Education.

SEC. 4. The General Assembly shall also establish and maintain a State University, with departments for instruction in teaching, in agriculture, and in natural science, as soon as the public school fund will permit.

SEC. 5. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands, and other property now belonging to any fund for purposes of education; also, the net proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, or from sales of estrays, or from unclaimed dividends, or distributive shares of the estates of deceased persons, or from fines, penalties, and forfeitures; also, any proceeds of the sales of the public lands which may have been, or hereafter may be, paid over to this State, (if Congress will consent to such appropriation;) also, all other grants, gifts, or devises that have been, or hereafter may be, made to this State, and not otherwise appropriated by the terms of the grant, gift, or devise, shall be securely invested and sacrfecly preserved as a Public School Fund; the annual income of which fund, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and maintaining the free schools and the university in this article provided for, and for no other uses or purposes whatsoever.

SEC. 6. No part of the public school fund shall ever be invested in the stock, or bonds, or other obligations of any State, or of any county, city, town or corporation. The stock of the Bank of the State of Missouri now held for school purposes, and all other stocks belonging to any school or university fund, shall be sold, in such manner and at such time as the General Assembly shall prescribe; and the proceeds thereof, and the proceeds of the sales of any lands or other property which now belong, or may hereafter belong, to said school fund, may be invested in the bonds of the United States. All county school funds shall be loaned upon good and
sufficient unincumbered real estate security, with personal security in addition thereto.

SEC. 7. No township or school district shall receive any portion of the public school fund, unless a free school shall have been kept therein for not less than three months during the year for which distribution thereof is made. The General Assembly shall have power to require, by law, that every child, of sufficient mental and physical ability, shall attend the public schools, during the period between the ages of five and eighteen years, for a term equivalent to sixteen months, unless educated by other means.

SEC. 8. In case the public school fund shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide, by law, for the raising of such deficiency, by levying a tax on all the taxable property in each county, township, or school district, as they may deem proper.

SEC. 9. The General Assembly shall, as far as it can be done without infringing upon vested rights, reduce all lands, moneys, and other property, used or held for school purposes, in the various counties of this State, into the Public School Fund herein provided for; and in making distribution of the annual income of said fund, shall take into consideration the amount of any county or city funds, appropriated for common school purposes, and make such distribution as will equalize the amount appropriated for common schools throughout the State.

ARTICLE X.

MILITIA.

SECTION 1. All able-bodied male inhabitants of this State, between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become citizens of the United States, shall be liable to military duty in the militia of this State; and there shall be no exemption from such duty, except of such persons as the General Assembly, may by law, exempt.

SEC. 2. The General Assembly shall, by law, provide for the organization of the militia, and for the paying of the same when called into actual service; but there shall be no officer above the grade of Brigadier General, nor shall there be more than two officers of that grade.

SEC. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.
SEC. 2. The State shall have concurrent jurisdiction on the river Mississippi, and on every other river bordering on the said State, so far as the said river shall form a common boundary to this State and any other State which may be bounded thereby; and the said river Mississippi, and the navigable rivers and waters leading into the same, whether bordering on or within this State, shall be common highways, and forever free to the citizens of this State and the United States, without any tax, duty, impost, or toll therefor imposed by the State.

SEC. 3. All statute laws of this State now in force, not inconsistent with this Constitution, shall continue in force until they shall expire by their own limitation, or be amended or repealed by the General Assembly; and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue; and all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as hereinafter specified.

SEC. 4. No person shall be prosecuted in any civil action or criminal proceeding, for or on account of any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him by the Government of the United States, or that of this State, to do such act, or in pursuance of orders received by him from any person vested with such authority; and if any action or proceeding shall have heretofore been, or shall hereafter be, instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

SEC. 5. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 6. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 7. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

SEC. 8. In the absence of any contrary provision, all officers now or hereafter elected or appointed, shall hold office during their official term, and until their successors shall be duly elected or appointed, and qualified.

SEC. 9. The General Assembly shall have power to repeal or modify all ordinances adopted by any previous Convention.

SEC. 10. The seat of Government of this State shall remain at the City of Jefferson.

SEC. 11. No person emancipated by the "Ordinance abolishing slavery in Missouri," adopted on the eleventh day of January, one thousand eight hundred and sixty-five, shall, by any county court or other authority, be apprenticed, or bound for any service, except in pursuance of laws made specially applicable to the persons so emancipated.

SEC. 12. The General Assembly shall provide, by law, for the indictment and trial of persons charged with the commission of any felony, in any county other than that in which the offense was committed, whenever, owing to prejudice, or any other cause, an impartial grand or petit jury cannot be impanneled in the county in which such offense was committed.
CONSTITUTION OF MISSOURI.

SEC. 13. The credit of the State shall not be given or loaned in aid of any person, association, or corporation; nor shall the State hereafter become a stockholder in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

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

SEC. 15. The General Assembly shall have no power, for any purpose whatever, to release the lien held by the State upon any railroad.

SEC. 16. No property, real or personal, shall be exempt from taxation, except such as may be used exclusively for public schools, and such as may belong to the United States, to this State, to counties, or to municipal corporations within this State.

ARTICLE XII.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. This Constitution may be amended and revised in pursuance of the provisions of this Article.

SEC. 2. The General Assembly, at any time, may propose such amendments to this Constitution as a majority of the members elected to each House shall deem expedient; and the vote thereon shall be taken by yeas and nays, and entered in full on the journals. And the proposed amendments shall be published with the laws of that session, and also shall be published weekly in two newspapers, if such there be, within each Congressional district in the State, for four months next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. And if a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

SEC. 3. The General Assembly may, at any time, authorize, by law, a vote of the people to be taken, upon the question whether a Convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a Convention, the Governor shall issue writs to the Sheriffs of the different counties, ordering the election of delegates to such a Convention, on a day within three months after that on which the said question shall have been voted on. At such election, each Senatorial District shall elect two delegates for each Senator to which it may be then entitled in the General Assembly, and every such delegate shall have the qualifications of a Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a Convention, and proceed to revise and amend the Constitution; and
the Constitution, when so revised and amended, shall, on a day to be there­
in fixed, not less than sixty nor more than ninety days after that on which
it shall have been adopted by the Convention, be submitted to a vote of
the people for and against it, at an election to be held for that purpose
only; and if a majority of all the votes given be in favor of such Constitu­
tion, it shall, at the end of thirty days after such election, become the Con­
istitution of this State. The result of such election shall be made known
by proclamation by the Governor. The General Assembly shall have no
power, otherwise than as in this section specified, to authorize a Conven­
tion for revising and amending the Constitution.

ARTICLE XIII.

PROVISIONS FOR PUTTING THIS CONSTITUTION INTO FORCE.

And we do further ordain as follows:

SECTION 1. The preceding parts of this instrument shall not take effect,
unless this Constitution be adopted by the people, at the election to be held
as hereinafter directed; but the provisions of this Article shall be in force
from the day of the adoption of this Constitution by the Representatives
of the people in this Convention assembled.

SEC. 2. For the purpose of ascertaining the sense of the people in
regard to the adoption or rejection of this Constitution, the same shall be
submitted to the qualified voters of the State, at an election to be held
on the sixth day of June, one thousand eight hundred and sixty-five, at the
several election precincts in this State, and elsewhere, as hereafter pro­
vided. On that day, or on any day not more than fifteen days prior
thereto, such qualified voters of this State as shall then be absent from the
places of their residence, by reason of their being in the military service
of the United States or of this State, whether they then be in or out of
this State, shall be entitled to vote on the adoption or rejection of this
Constitution. For that purpose, a poll shall be opened in each Missouri
regiment or company in such service, at the quarters of the commanding
officer thereof; and the voters of this State belonging to such regiment or
company, and any others belonging to any other such regiment or company,
and who may be present, may vote at such poll. Any one or two com­
missioned officers of such regiment or company, who may be present at the
opening of the polls, shall act as judge or judges of the election; and if
no such officer be present, then the voters of such regiment or company
present, shall elect two of the voters present to act as such judges. Every
such judge shall, before any votes are received, take an oath or affirmation,
that he will honestly and faithfully perform the duties of judge, and make
proper return of the votes given at such election; and such oath the judges
may administer to each other. In any election held in a regiment or com­
pany, the polls shall be opened at eight o’clock, A. M., and closed at six
o’clock, P. M.

SEC. 3. The election provided for in the next preceding section shall
be by ballot. Those ballots in favor of the Constitution shall have written
or printed thereon the words "New Constitution—Yes;" those against
the Constitution shall have written or printed thereon the words "New
Constitution—No."

SEC. 4. The said election shall be conducted, and the returns thereof
made to the clerks of the several county courts, and by them immediately certified to the Secretary of State, as provided by law in the case of elections of State officers; and where an election shall be held in a regiment or company, the returns thereof, with the poll books, shall be certified to the Secretary of State, and may be transmitted by mail, or by any messenger to whom the judges of the election may entrust the same for that purpose.

Sec. 5. Any qualified voter of this State, within the State, who, on the day of said election, shall be absent from the place of his residence, may vote at any place of voting, upon satisfying the judges that he is a qualified voter, and being sworn by them that he has not voted, and will not vote, in said election at any other election precinct.

Sec. 6. At said election no person shall be allowed to vote who would not be a qualified voter according to the terms of this Constitution, if the second Article thereof were then in force. The judges of election shall administer to every person offering to vote, in lieu of the oath now required to be taken by voters under the ordinance of June 10th, 1862, the following oath, to-wit: "I, A, B, do solemnly swear that I am well acquainted with the terms of the third section of the second Article of the Constitution of the State of Missouri, adopted by the Convention which assembled in the city of St. Louis, on the 6th day of January, eighteen hundred and sixty-five, and have carefully considered the same; that I have never, directly or indirectly, done any of the acts in said section specified; that I have always been truly and loyally on the side of the United States against all enemies thereof, foreign and domestic; that I will bear true faith and allegiance to the United States, and will support the Constitution and laws thereof as the supreme law of the land, any law or ordinance of any State to the contrary notwithstanding; that I will, to the best of my ability, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the Government thereof to be destroyed or overthrown, under any circumstances, if in my power to prevent it; and that I make this oath without any mental reservation or evasion, and hold it to be binding on me." Should any such person decline to take said oath, he shall not be permitted to vote at said election; but the taking thereof shall not be deemed conclusive evidence of the right of such person to vote, but such right may be disputed and disproved. Any person who shall falsely take, or having taken, shall thereafter willfully violate the oath prescribed in this section, shall, upon conviction thereof by any court of competent jurisdiction, be adjudged guilty of the crime of perjury, and shall be punished therefor in accordance with existing law.

Sec. 7. On the first day of July next ensuing said election, the Secretary of State shall, in presence of the Governor, the Attorney General, or the State Auditor, proceed to examine and cast up the returns of the votes taken at said election, and certified to him, including those of persons in the military service; and if it shall appear that a majority of all the votes cast at such election were in favor of the Constitution, the Governor shall issue his proclamation, stating that fact, and this Constitution shall, on the 4th day of said month of July, be the Constitution of the State of Missouri.

Sec. 8. The officer now known as the "Auditor of Public Accounts" shall hereafter be styled State Auditor.

Sec. 9. The office of Register of Lands shall continue until the General Assembly shall abolish the same.
Done by the Representatives of the People of the State of Missouri, in Convention assembled, at the city of St. Louis, on the 8th day of April, in the year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ARNOLD KREKEL, of St. Charles county, President.
CHAS. D. DRAKE, of St. Louis, Vice President.
WM. B. ADAMS, of Montgomery county.
A. J. BARR, of Ray county.
A. M. BEDFORD, of Mississippi county.
D. BONHAM, of Andrew county.
GEO. K. BUDD, of St. Louis county.
HARVEY BUNCE, of Cooper county.
R. L. CHILDRESS, of Webster county.
JOHN H. DAVIS, of Nodaway county.
I. B. DODSON, of Adair county.
JOHN H. ELLIS, of Livingston county.
JOHN ESTHER, of Laclede county.
ELLIS G. EVANS, of Crawford county.
CHAUNCEY I. FILLEY, of St. Louis county.
J. W. FLETCHER, of Jefferson county.
W. H. FOLMSBEE, of Daviess county.
F. M. FULKERSON, of Saline county.
JOHN W. GAMBLE, of Audrain county.
A. GILBERT, of Lawrence county.
DAVID HENDERSON, of Dent county.
E. A. HOLCOMB, of Chariton county.
J. H. HOLDSWORTH, of Monroe county.
W. S. HOLLAND, of Henry county.
J. F. HUME, of Moniteau county.
WYLLYS KING, of St. Louis county.
REEVES LEONARD, of Howard county.
JOHN F. McKERNAN, of Cole county.
ARCHIBALD M. MCPHERSON, of Perry county.
JOHN A. MACK, of Greene county.
FERDINAND MEYER, of St. Louis county.
DORASTUS PECK, of Iron county.
JONATHAN THOS. RANKIN, of Dade county.
K. G. SMITH, of Mercer county.
GEO. P. STRONG, of St. Louis county.
JAMES T. SUTTON, of Wayne county.
JOHN R. SWEARINGEN, of Jackson county.
WM. F. SWITZLER, of Boone county.
LEWIS H. WEATHERBY, of DeKalb county.
JEREMIAH WILLIAMS, of Caldwell county.
EUGENE WILLIAMS, of Scotland county.

Attest: AMOS P. FOSTER, Secretary.
THOS. PROCTOR, Ass't Sec'y.
Be it Ordained by the People of the State of Missouri in Convention assembled:

That hereafter in this State there shall be neither slavery nor involuntary servitude, except in punishment of crime whereof the party shall have been duly convicted; and all persons held to service or labor as slaves, are hereby declared free.

Passed in Convention, the eleventh day of January, A. D., 1865.

A. KREKEL, President.

Attest: AMOS P. FOSTER, Secretary.
AN ORDINANCE TO PROTECT EMANCIPATED NEGROES FROM APPRENTICESHIP.

Be it Ordained by the People of the State of Missouri in Convention assembled:

That no person emancipated by the “Ordinance abolishing Slavery in Missouri,” adopted on the eleventh day of January, one thousand eight hundred and sixty-five, shall, by any County Court or other authority, be apprenticed, or bound for any service, except in pursuance of such laws as the General Assembly of this State may hereafter enact, made specially applicable to the persons so emancipated.

Adopted in Convention on the twelfth day of January, one thousand eight hundred and sixty-five.

ARNOLD CREKEL,
Attest:

AMOS P. FOSTER, Secretary of the Convention.

AN ORDINANCE PROVIDING FOR THE VACATING OF CERTAIN CIVIL OFFICES IN THE STATE, FILLING THE SAME ANEW, AND PROTECTING THE CITIZENS FROM INJURY AND HARRASSMENT.

Be it Ordained by the People of the State of Missouri in Convention assembled, as follows:

SECTION 1. That the offices of the Judges of the Supreme Courts, of all Circuit Courts, and of all courts of record established by any act of the General Assembly, and those of the Justices of all County Courts, of all Clerks of any of the aforesaid courts, of all Circuit Attorneys and their assistants, and of all Sheriffs and County Recorders, shall be vacated on the first day of May, one thousand eight hundred and sixty-five, and the same shall be filled for the remainder of the term of each of said offices respectively, by appointment by the Governor. The Governor shall in like manner, and with like effect, fill any vacancy now existing in any of said offices. Every person appointed by the Governor under this Ordinance, shall, before entering upon the discharge of the duties of his office, take the oath prescribed in the second section of the “Ordinance defining the qualifications of voters and civil officers in this State,” adopted June tenth, one thousand eight hundred and sixty-two, and shall give bond in such form, in such sum, and with such security, as are required by existing laws.

SEC. 2. No person shall be prosecuted in any civil action, or criminal proceeding, for or on account of any act by him done, performed, or executed, after the first day of January, one thousand eight hundred and sixty-one, by virtue of military authority vested in him by the Government of the United States, or that of this State, to do such act, or in pur-
ORDINANCES.

suance of orders received by him or them from any person vested with such authority; and if any action or proceeding be brought or instituted against any person for the doing of any such act, the defendant may plead in bar thereof, and give this Ordinance in evidence. The provisions of this section shall apply in all cases where suits are now pending, in the same manner, and with like effect, as in suits or actions hereafter brought.

Passed in Convention, March seventeenth, A. D. 1865.

ARNOLD KREKEL, President of the Convention.

A true copy.

Attest: JOHN W. STEPHENS, Secretary pro tem.

AN ORDINANCE

PROVIDING FOR OBTAINING THE VOTES OF MISSOURI SOLDIERS ON THE CONSTITUTION.

Be it Ordained by the People of the State of Missouri in Convention assembled, as follows:

SECTION 1. The Governor of this State is required on or before the fifteenth day of May next, or immediately thereafter, to send messengers to the different points where there are citizens of this State, beyond the limits thereof, in the volunteer army of the United States, in order to obtain the votes of such persons upon the adoption or rejection of the Constitution adopted by this Convention. The said messengers shall be provided with duly prepared poll-books for said election, the expense whereof, and also the compensation of such messengers, and all other expenses connected with sending such messengers, shall be certified by the Governor; and the State Auditor shall draw his warrant upon the Treasurer for all amounts so certified, payable out of any money in the Treasury not otherwise appropriated.

SEC. 2. That such number of copies of the new Constitution adopted by this Convention, as the Governor may think necessary to a proper understanding of the Constitution, shall be sent to the Missouri soldiers with such messengers.

Adopted in Convention on the eighth day of April, one thousand eight hundred and sixty-five.

A. KREKEL, President.

Attest: AMOS P. FOSTER, Secretary.
AN ORDINANCE

FOR THE ORGANIZATION AND GOVERNMENT OF THE MISSOURI MILITIA.

Be it ordained by the People of the State of Missouri in Convention assembled, as follows, to-wit:

SECTION 1. All able-bodied male inhabitants of the State of Missouri shall be liable to military duty under this Ordinance, except as is hereinafter provided, and, when organized, shall constitute and be known and designated as the "Missouri Militia."

Sec. 2. Persons over the age of forty-five years, and under the age of eighteen years; United States mail carriers, when actually employed as such; United States and State officers; one miller to each public mill, and an engineer for the same, when actually employed in said capacity; teachers of public schools; ministers of the gospel; regular practicing physicians, and railroad employees, shall be exempt from duty in the militia, and shall be entitled to, and receive from the "enrolling officer," a "certificate" to that effect, on producing to said "enrolling officer" satisfactory evidence of their respective avocations or employments.

Sec. 3. There shall be an enrolling officer for each county, with the rank of a Lieutenant, appointed by the commanding officer of each subdistrict, whose duty it shall be to enroll all persons in said county, liable to do military duty, once in each year; and all enrollments heretofore made under existing laws shall be taken and considered as made under this ordinance.

Sec. 4. The militia, as soon as enrolled, shall be organized into platoons, companies, regiments and brigades. A platoon shall be composed of not less than thirty-two nor more than forty-six privates, two sergeants, four corporals and one lieutenant. A company shall consist of the number of men, commissioned and non-commissioned officers prescribed by the revised regulations of the Army of the United States. A regiment shall consist of eight companies or more, with the number of field and staff officers prescribed by "Army Regulations" for the particular branch of service to which it may be assigned. A brigade shall consist of three or more regiments.

Sec. 5. Platoons or companies, as soon as organized, shall elect their commissioned officers, which officers, together with all brigade, regimental and staff officers appointed by the Governor, and all non-commissioned company officers, shall, before commissions or warrants, as the case may be, shall [be] issue[d] to them, take and subscribe the following oath: "I, A. B., aged — years, of the county of —, in the State of Missouri, and a native of —, do on oath (or affirmation) declare that I have not, during the present rebellion, taken up arms or levied war against the United States nor against the State of Missouri, nor have I willfully adhered to the enemies of either, whether domestic or foreign, by giving aid and comfort, by denouncing said governments, or either of them, by going into or favoring or encouraging others to go into, or favor secession, rebellion or disunion, but have always in good faith opposed the same; and further, that I will support, protect and defend the Constitution of the United States and of the State of Missouri against all enemies or opposers,
ORDINANCES.

whether domestic or foreign, any ordinance, law, resolution of any State Convention or Legislature, or of any orders, organization, secret or otherwise, to the contrary notwithstanding, and that I do this with an honest purpose, pledge and determination faithfully to perform the same, without any mental reservation or evasion whatever, so help me God."

SEC. 6. The Governor shall nominate, and by and with the advice and the consent of the Senate, appoint two brigadier-generals, and no more, and as many colonels, lieutenant-colonels and majors as may be necessary for properly disciplining and governing the force organized under this Ordinance. Provided, however, that the officers and men thus commissioned and organized shall not be entitled to, nor receive any pay, rations or emoluments when not in actual service.

SEC. 7. The part of the State north of the Missouri river shall be known as the "First Military District," and the part of the State south of said river shall be known as the "Second Military District," which shall be divided into such sub-districts as, in the judgment of the Commander-in-Chief, the good of the service may require.

SEC. 8. The staff of general officers shall be the same as for the time may be prescribed by regulations of the United States Army, or orders of the War Department, governing appointments of officers of the same grade in the United States service—all of whom shall be detailed from the line of the command of the officer to whose staff they are attached.

SEC. 9. The staff of the Commander-in-Chief shall be an adjutant general, with the rank and pay of colonel of cavalry; a quartermaster general, an inspector-general and a commissary-general, each with the rank and pay of a colonel of cavalry; a paymaster-general, with the rank and pay of lieutenant-colonel of infantry; a surgeon-general, with the rank and pay of colonel of infantry; a judge advocate-general, with the rank and pay of lieutenant-colonel of infantry; three aids-de-camp, with the rank and pay of major of infantry. He may detail from the line and field officers of any regiment such officers as he may deem proper, and assign them to duty on his staff.

SEC. 10. It shall be lawful for the Commander-in-Chief to call into service such platoons, companies or regiments as the safety and peace of the State may require, and to issue such instructions as may be necessary to insure strict discipline and familiarity in drill.

SEC. 11. The publication of the proclamation of the Governor shall be deemed sufficient notice to all persons, subject to military duty, to report to their respective commanding officer for active service.

SEC. 12. The Articles of War and Army Regulations, as published by authority of the War Department of the United States, shall be observed by the Missouri Militia in every particular not otherwise provided by this Ordinance, and the manner of drill shall be such as is prescribed in the tactics adopted for the United States Army.

SEC. 13. Whenever the militia, or any part of it, is called into service, the inspector-general, or his assistants, shall muster such force into the service on the rolls of the platoon or company, one of which rolls shall be retained by the commanding officer of the platoon or company, one copy shall be returned to the Adjutant General of the State, and one copy to the District Headquarters. He shall administer to each platoon or company separately the following oath: "You and each of you do solemnly swear that you will support, protect and defend the United States and the
State of Missouri, and the Constitution and laws thereof, against all their enemies; that you will assist in enforcing the laws, and will obey all lawful orders of the officers having authority to command you whilst in the service, so help you God." And any person subject to military duty who shall refuse to take said oath, shall be considered and treated as a prisoner of war.

Sec. 14. The surgeon-general shall appoint a physician or surgeon for each county to examine persons claiming exemption, who shall give to every person exempted by him a certificate, and shall return to the office of the Adjutant of the District, within five days after the close of each of his sittings, a complete list of all persons so exempted. The physician or surgeon so employed shall receive the pay of a major of infantry while actually engaged in such service.

Sec. 15. Any physician or surgeon, authorized by the provisions of this Ordinance to issue certificates of exemption, who shall fraudulently issue any such certificates, shall be liable to a fine of not less than five hundred dollars, to be recovered by indictment before the Circuit Court of the proper county, except St. Louis county, where the indictment shall be before the Criminal Court.

Sec. 16. Every person who neglects or refuses to enroll himself shall pay the sum of twenty dollars, to be levied upon his goods and chattels, by order of the commanding officer of the District, and may be imprisoned or put at hard labor by said officer until said fine is paid, and shall then be enrolled and assigned to such platoon or company as the commanding officer of the District may direct; and any person duly enrolled and liable to militia service who shall refuse or neglect to perform such service, shall pay a fine of five dollars per day for every day he fails to render such service, after having been thereto required by his officers, and in addition thereto such delinquent shall be subject to arrest, trial and punishment, within the discretion of a court martial, and nothing in this section shall be construed to exempt any man from military service.

Sec. 17. The commanding officer of each platoon or company shall certify to the commanding officer of the battalion or regiment to which he is attached, a list of all persons liable to fine under the provisions of this Ordinance, with the number of days each person has neglected or refused to do duty, which lists shall be, by the commanding officer of the battalion or regiment, certified to the clerk of the Circuit Court of the county ten days before the next term of the said court, who shall place a copy of said list in a conspicuous place in his office at least five days before the first day of the term.

Sec. 18. It shall be the duty of the Circuit Court to render a judgment, an award, an execution, against each person named in said lists for the sum due by him, and costs, which shall be collected as other fines. The sheriff of the county may collect all sums due in said lists before judgment, and shall pay over the same to the State Treasury to the credit of the "Union Military Fund." He shall certify to the commanding officer of the District the names of all persons who fail to pay the amount stated against them in said lists, or who have no property whereof to levy such execution. And the commanding officer of the District shall arrest and put at labor the persons mentioned in the last named list, until the amounts due by them are paid. And it shall be the duty of the Circuit Attorney of the proper circuit to prosecute all such matters as shall come before the said court by virtue of this section.
ORDINANCES.

Sec. 19. The sum of fifty cents per day shall be reckoned to every person put at labor under the provisions of this Ordinance, until the fine or penalty due by him is fully paid.

Sec. 20. The uniform of the Missouri Militia shall be the same as prescribed by the United States Army Regulations for the army of the United States, until otherwise ordered by the Commander-in-Chief.

Sec. 21. All officers, when on duty, shall wear the uniform of their rank, and no person, not in the military service of the State or the United States, shall wear any insignia of rank, or any part of uniform, under a penalty of twenty dollars for every offense, to be recovered by suit and summary trial before any justice of the peace.

Sec. 22. The pay of the militia shall be the same for officers and men as allowed for the time by the United States to officers and soldiers, and fifty cents for each day’s service of his horse, when he is mounted; and such pay shall be in the same funds in which the United States Volunteers are paid, or their equivalent.

Sec. 23. All taxes levied and collected for military purposes, and all fines imposed upon militia men by this Ordinance, all proceeds of the sale of esontraband or captured property seized or captured by the militia, and all other appropriations and levies made for the benefit of the militia, shall likewise be paid into the treasury, to the credit of the said Union Military Fund. Out of such fund shall be paid, first, all sums now due the Enrolled Missouri Militia for services rendered, and Union Military Bonds now outstanding or hereafter issued, and second, all expenses incurred according to law, and audited by the proper officers, and appropriations for military purposes, as other claims against the State.

Sec. 24. The Governor of the State shall lay before the General Assembly, at each regular session thereof, a report of the moneys expended for militia purposes, and an estimate of the funds necessary for support of the militia for the next two years.

Sec. 25. The Commander-in-Chief may assign to duty, as paymasters, such officers as may to him seem proper, not exceeding four (4) in number, with the rank and pay of majors of infantry, and require them, before entering upon the discharge of the duties of the office, to execute a bond in a sum and with such securities as he shall order, conditioned for the faithful performance of their duty.

Sec. 26. Any officer, civil or military, who may refuse to account for and pay over, according to law, any moneys or property coming to his hands belonging to the militia fund, shall, upon conviction thereof, in the Circuit or Criminal Court, on indictment, be sentenced to imprisonment in the penitentiary for a term of not less than five nor more than ten years.

Sec. 27. Courts Martial.—Courts martial shall be constituted and shall proceed in all cases, and be governed by the laws and regulations prescribed for the United States Army.

Sec. 28. The General Assembly of this State shall provide the ways and means for the payment of the Missouri Militia, and may, at any time, amend or repeal this Ordinance.

Sec. 29. An act entitled: “An act for the organization and government of the Missouri Militia,” approved February 10th, 1865, and all
ORDINANCES.

other acts or parts of acts, inconsistent with the provisions of this Ordinance, are hereby abrogated.

Adopted in Convention, April 8th, 1865.

ARNOLD KREKEL,
President.

Attest:

AMOS P. FOSTER,
Sec'y of Convention.

AN ORDINANCE

FOR THE PAYMENT OF STATE AND RAILROAD INDEBTEDNESS.

Be it Ordained by the People of the State of Missouri in Convention assembled, as follows:

SECTION 1. There shall be levied and collected from the Pacific Railroad, the North Missouri Railroad Company, and the St. Louis & Iron Mountain Railroad Company, an annual tax of ten per centum of all their gross receipts for the transportation of freight and passengers, (not including amounts received from, and taxes paid to the United States,) from the 1st of October, 1866, to the 1st of October, 1868, and fifteen per centum thereafter, which tax shall be assessed and collected in the county of St. Louis, in the same manner as other State taxes are assessed and collected, and shall be appropriated by the General Assembly to the payment of the principal and interest now due, or hereafter to become due, upon the bonds of the State, and the bonds guaranteed by the State, issued to the aforesaid Railroad Companies.

SEC. 2. A like tax of fifteen per centum shall be assessed and collected from the Hannibal and St. Joseph Railroad Company, and from the Platte County Railroad Company, whenever default is made by said companies, or either of them, in the payment of the interest or principal of the bonds of the State, or the bonds guaranteed by the State, issued to said companies, respectively, which tax shall be assessed and collected in such manner as the General Assembly may by law direct, and shall be applied for the payment of the principal and interest of said bonds as the same may become due and payable.

SEC. 3. The tax in this ordinance specified shall be collected from each company hereinbefore named only for the payment of the principal and interest of the bonds, for the payment of which such company shall be liable, and, whenever such bonds and interest shall have been fully paid, no further tax shall be collected from such company; but nothing shall be received by the State in discharge of any amounts due upon said bonds except cash or other bonds or obligations of this State.

SEC. 4. Should either of said companies refuse or neglect to pay said tax, as herein required, and the interest or principal of any of said bonds
or any part thereof remain due and unpaid, the General Assembly shall provide, by law, for the sale of the railroad and other property, and the franchises of the company that shall be thus in default, under the lien reserved to the State, and shall appropriate the proceeds of such sale to the payment of the amount remaining due and unpaid from said company.

Sec. 5. Whenever the State shall become the purchaser of any railroad or other property or the franchises sold as hereinbefore provided for, the General Assembly shall provide by law, in what manner the same shall be sold, for the payment of the indebtedness of the railroad company in default; but no railroad or other property, or franchises purchased by the State, shall be restored to any such company, until it shall have first paid in money, or in Missouri State bonds, or in bonds guaranteed by this State, all interest due from said company; and all interest thereafter accruing shall be paid semi-annually, in advance; and no sale or other disposition of any such railroad or other property, or their franchises, shall be made without reserving a lien upon all the property and franchises thus sold or disposed of, for all sums remaining unpaid; and all payments therefor shall be made in money, or in the bonds or other obligations of this State.

Sec. 6. The General Assembly shall provide, by law, for the payment of all State indebtedness not hereinbefore provided for; and for this purpose a tax of one quarter of one per centum on all real estate, and other property and effects subject to taxation, shall be assessed and collected, and shall be appropriated for the payment of all such indebtedness that may have matured, and the surplus, if any, shall be set apart as a sinking fund for the payment of the obligations of the State that may hereafter become due, and for no other purpose whatsoever.

Sec. 7. At the election to be held on the 6th day of June, eighteen hundred and sixty-five, for the purpose of ascertaining the sense of the people in regard to the adoption or rejection of the Constitution adopted by this Convention, the question of the adoption or rejection of this Ordinance shall be submitted to the voters of this State, who shall be qualified as voters under the provisions of Article 13th of said Constitution, and shall take the oath in said Article prescribed; and the vote of such election shall be taken, and returns thereof made, at the same time, under the same restrictions and in the same manner as in said Article is provided for the vote upon the question of the adoption or rejection of said Constitution. The election herein provided for shall be by ballot. Those ballots in favor of this Ordinance shall have written or printed thereon the words, “Shall the Railroads pay their Bonds? Yes.” Those opposed to this Ordinance shall have written or printed thereon, the words, “Shall the Railroads pay their Bonds? No.” If the majority of all the votes cast at such election shall be in favor of this Ordinance, the same shall be valid and have full force and effect as a part of the Constitution of this State, whether the new Constitution adopted by this Convention be adopted or rejected.

If a majority of such votes shall be against this ordinance, it shall have no force or validity whatsoever.

The Governor of this State shall by proclamation make known the result of the election herein provided for.

Adopted in Convention, April the eighth, eighteen hundred and sixty-five.

Amos P. Foster, Secretary.

Arnold Krekel, President.
AN ORDINANCE

FOR PAYING THE OFFICERS, MEMBERS AND OTHERS OF THE MISSOURI STATE CONVENTION.

Be it Ordained by the People of the State of Missouri in Convention assembled, as follows:

1st. That there be and is hereby appropriated out of any money in the treasury of this State, the sum of twenty thousand dollars for the payment of members and all other expenses of the Missouri State Convention.

2d. The State Treasurer is hereby required and authorized to pay to the Chairman of the Committee on Accounts, (Mr. Ferdinand Meyer,) the aforesaid sum of twenty thousand dollars, and to take his receipt therefor; and the Committee on Accounts shall audit all indebtedness incurred by this Convention; and if any debts should remain unpaid after the above appropriation is exhausted, then the General Assembly at its next session shall provide for the full and complete payment of the same.

3d. The Auditor of Public Accounts is required and authorized to audit the accounts of the Committee on Accounts, and make full settlement with them, paying them the per diem and mileage now allowed to a member for all the necessary time occupied and journeys made after the close of this Convention.

Adopted in Convention the fifth day of April, A. D., eighteen hundred and sixty-five.

A. KREKEL, President.

Attest, AMOS P. FOSTER, Secretary.

OFFICE OF SECRETARY OF STATE, 
CITY OF JEFFERSON, MISSOURI,

I hereby certify that I have carefully collated the Constitution and Ordinances contained in the foregoing pages with the original rolls on file in this office, and have corrected the same thereby. I have felt it my duty scrupulously to follow the original. Any seeming errors, therefore, must be attributed to the rolls, and not to me.

Given under my hand, this 24th day of July, A. D. 1865.

FRANCIS RODMAN,
Secretary of State.