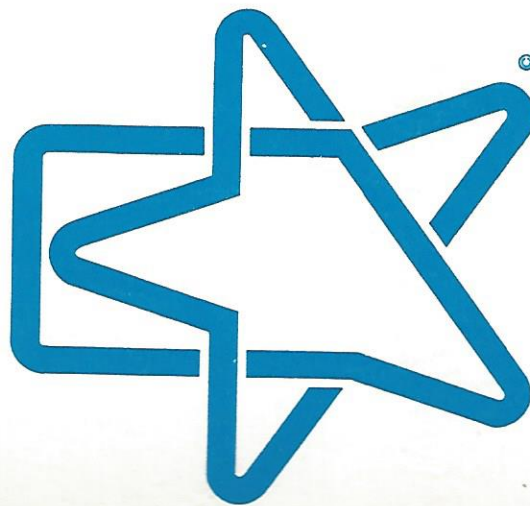


DECLARATION OF INDEPENDENCE
CONSTITUTION OF THE UNITED STATES
CONSTITUTION OF INDIANA

Revised to include the three constitutional amendments ratified by the electorate of Indiana on November 5, 1974.



BICENTENNIAL COPY FROM
OFFICE OF THE ATTORNEY GENERAL

THEODORE L. SENDAK
ATTORNEY GENERAL
STATE OF INDIANA



RESPONSIBILITY
SAFEGUARDS
FREEDOM

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DECLARATION OF INDEPENDENCE.

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

July 4, 1776.

July 4, 1776.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

New Hampshire.—Josiah Bartlett, William Whipple, Matthew Thornton.

Massachusetts Bay.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

Rhode Island, &c.—Stephen Hopkins, William Ellery.

Connecticut.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

New York.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

New Jersey.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

Pennsylvania.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

Delaware.—Casar Rodney, George Read, Thomas McKean.

Maryland.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

Virginia.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

North Carolina.—William Hooper, Joseph Hewes, John Penn.

South Carolina.—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

Georgia.—Button Gwinnett, Lyman Hall, George Walton.

CONSTITUTION OF THE UNITED STATES

1787

ARTICLE.

1. THE CONGRESS.
2. THE EXECUTIVE.
3. JUDICIAL DEPARTMENT.
4. STATES AND TERRITORIAL RELATIONS.
5. MODE OF AMENDMENT.
6. ASSUMPTION OF PUBLIC DEBT.—SUPREME LAW.—OATH OF OFFICE.—RELIGIOUS TESTS PROHIBITED.
7. RATIFICATION.—ATTESTATION.

PREAMBLE

We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE 1

THE CONGRESS

SECTION.

1. Legislative powers vested in congress.
2. House of representatives.
3. Senate.
4. Elections of members—Sessions.
5. Organization — Proceedings — Adjournment.
6. Compensation — Privileges — Holding other office.
7. Bills and resolutions—Veto.
8. Powers of congress.
9. Powers denied congress.
10. Powers denied the states.

§ 1. Legislative powers vested in congress.—All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

§ 2. House of representatives.—[1.] The house of representatives shall be composed of members chosen every second year by the people of the several states and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

[2.] No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

[3.] [Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by

* See Amend. 14, § 2; Amend. 16.

law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4.] When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

[5.] The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. Senate.—[1.] [The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.]*

* See Amend. 17.

[2.] Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.]*

* See Amend. 17.

[3.] No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

[4.] The Vice-President of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

[5.] The senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of the President of the United States.

[6.] The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

[7.] Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

§ 4. Elections of members—Sessions.—[1.] The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof: but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

[2.] [The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.]*

* See Amend. 20.

§ 5. Organization — Proceedings — Adjournment.—[1.] Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

[2.] Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

[3.] Each house shall keep a journal of its proceedings, and from time to time, publish the same, excepting such parts as may in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

[4.] Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than in which the two houses shall be sitting.

§ 6. Compensation—Privileges—Holding other office.—[1.] The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

[2.] No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

§ 7. Bills and resolutions—Veto.—[1.] All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

[2.] Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal,

and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be considered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case, it shall not be a law.

[3.] Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. Powers of congress.—[1.] The congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

[2.] To borrow money on the credit of the United States;

[3.] To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

[4.] To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

[5.] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

[6.] To provide for the punishment of counterfeiting the securities and current coin of the United States;

[7.] To establish post-offices and post-roads;

[8.] To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

[9.] To constitute tribunals inferior to the Supreme Court;

[10.] To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

[11.] To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

[12.] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

[13.] To provide and maintain a navy;

[14.] To make rules for the government and regulation of the land and naval forces;

[15.] To provide for calling forth militia to execute the laws of the Union, suppress insurrections and repel invasions;

[16.] To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service

of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

[17.] To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

[18.] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

§ 9. Powers denied congress.—[1.] The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

[2.] The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

[3.] No bill of attainder or ex post facto law shall be passed.

[4.] No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.*

* See Amend. 16.

[5.] No tax or duty shall be laid on articles exported from any state.

[6.] No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

[7.] No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

[8.] No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

§ 10. Powers denied the states.—[1.] No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

[2.] No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

[3.] No state shall, without the consent of congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE 2

THE EXECUTIVE

SECTION.

1. The President.
2. Commander-in-chief — Pardons — Treaties—Appointment of officers.
3. Miscellaneous powers and duties.
4. Impeachment.

§ 1. **The President.**—[1.] The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

[2.] Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress: But no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3.] [The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the Vice-President.] *

* See Amend. 12.

[4.] The congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

[5.] No person, except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years and been fourteen years a resident within the United States.

[6.] In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President,* and the congress may by law, provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

* See Amend. 25.

[7.] The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and shall not receive within that period, any other emolument from the United States, or any of them.

[8.] Before he enters on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

§ 2. **Commander-in-chief — Pardons — Treaties — Appointment of officers.**—[1.] The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

[2.] He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

[3.] The President shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

§ 3. **Miscellaneous powers and duties.**—He shall from time to time give to the congress information of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time

as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

§ 4. Impeachment.—The President, Vice-President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE 3

JUDICIAL DEPARTMENT

SECTION.

1. Judicial power.
2. Extent of judicial power—Supreme Court—Trial and places of trial.
3. Treason, proof and punishment.

§ 1. Judicial power.—The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the Supreme Court and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

§ 2. Extent of judicial power—Supreme Court—Trial and places of trial.—[1.] The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;—between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

[2.] In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the congress shall make.

[3.] The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

§ 3. Treason, proof and punishment.—[1.] Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

[2.] The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE 4

STATE AND TERRITORIAL RELATIONS

SECTION.

1. Full faith and credit to records and judicial proceedings of states.
2. Privileges and immunities—Fugitives from justice and service.
3. Admission of states—Rules and regulations respecting the territory and property of the United States.
4. Guaranty of republican form of government and against invasion.

§ 1. Full faith and credit to records and judicial proceedings of states.—Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

§ 2. Privileges and immunities—Fugitives from justice and service.—[1.] The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

[2.] A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

[3.] No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

§ 3. Admission of states—Rules and regulations respecting the territory and property of the United States.—[1.] New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

[2.] The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claim of the United States, or of any particular state.

§ 4. Guaranty of republican form of government and against invasion.—The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

ARTICLE 5

Mode of amendment.—The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which,

in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE 6

Assumption of public debt—Supreme law—Oath of office—Religious tests prohibited.—[1.] All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

[2.] This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.

[3.] The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE 7

Ratification—Attestation.—The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states ratifying the same.

DONE in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the Independence of the United States of America the twelfth.

IN WITNESS WHEREOF we have hereunto subscribed our names,

Go WASHINGTON

Presidt. and Deputy from Virginia.

Attest WILLIAM JACKSON, Secretary

New Hampshire— JOHN LANGDON

NICHOLAS GILMAN

Massachusetts— NATHANIEL GORHAM

RUFUS KING

Connecticut—

WM SAML JOHNSON

ROGER SHERMAN

New York— ALEXANDER HAMILTON

New Jersey—

WIL: LIVINGSTON

DAVID BREARLEY

WM PATERSON

JONA: DAYTON

Pennsylvania—

B FRANKLIN

THOMAS MIFFLIN

ROBT MORRIS

GEO. CLYMER

THOS FITZSIMONS

JARED INGERSOLL

JAMES WILSON

GOUV MORRIS

Delaware—

GEO: READ

GUNNING BEDFORD JUN

JOHN DICKINSON

RICHARD BASSETT

JACO: BROOM

Maryland—

JAMES MCHENRY

DAN OF ST THOS JENIFER

DANL CARROLL

Virginia—

JOHN BLAIR

JAMES MADISON JR.

North Carolina—

WM BLOUNT

RICHD DOBBS SPAIGHT

HU WILLIAMSON

South Carolina—

J. RUTLEDGE

CHARLES COTESWORTH PINCKNEY

CHARLES PINCKNEY

PIERCE BUTLER

Georgia—

WILLIAM FEW

ABR BALDWIN

AMENDMENTS

TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Proposed by congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original constitution.

AMENDMENT.

1. RELIGIOUS AND POLITICAL FREEDOM.
2. RIGHT TO BEAR ARMS.
3. QUARTERING SOLDIERS.
4. UNREASONABLE SEARCHES AND SEIZURES.
5. CRIMINAL ACTIONS — PROVISIONS CONCERNING — DUE PROCESS OF LAW AND JUST COMPENSATION CLAUSES.
6. RIGHTS OF THE ACCUSED.
7. TRIAL BY JURY IN CIVIL CASES.
8. BAIL—PUNISHMENT.
9. RIGHTS RETAINED BY PEOPLE.
10. RIGHTS RESERVED TO STATES OR PEOPLE.

11. SUITS AGAINST STATES—RESTRICTION OF JUDICIAL POWER.
12. ELECTION OF PRESIDENT AND VICE-PRESIDENT.

13. —§ 1. SLAVERY PROHIBITED.
14. —§ 2. POWER TO ENFORCE ARTICLE.
15. —§ 1. CITIZENSHIP—DUE PROCESS OF LAW—EQUAL PROTECTION.

- § 2. REPRESENTATIVES — POWER TO REDUCE APPORTIONMENT.

- § 3. DISQUALIFICATION TO HOLD OFFICE.
- § 4. PUBLIC DEBT NOT TO BE QUESTIONED—REBEL DEBTS AND CLAIMS NOT TO BE PAID.

- § 5. POWER TO ENFORCE AMENDMENT.

15. —§ 1. RIGHT OF CITIZENS TO VOTE — RACE OR COLOR NOT TO DISQUALIFY.

- § 2. POWER TO ENFORCE AMENDMENT.

16. INCOME TAX.

17. ELECTION OF SENATORS.

18. —§ 1. NATIONAL PROHIBITION — INTOXICATING LIQUORS.

- § 2. CONCURRENT POWER TO ENFORCE AMENDMENT.

- § 3. TIME LIMIT FOR ADOPTION.

AMENDMENT.

19. —§ 1. WOMAN SUFFRAGE.
- § 2. POWER TO ENFORCE AMENDMENT.

20. —§ 1. EXECUTIVE AND LEGISLATIVE DEPARTMENTS — TERMS OF ELECTIVE OFFICERS.

- § 2. ANNUAL MEETING OF CONGRESS—DATE.

- § 3. SUCCESSION TO OFFICE OF PRESIDENT OR VICE-PRESIDENT.

- § 4. DEATH OF PRESIDENT OR VICE-PRESIDENT — SELECTION OF SUCCESSOR — CHOICE DEVOLVING ON EITHER HOUSE.

- § 5. EFFECTIVE DATE OF AMENDMENT.

- § 6. TIME LIMIT FOR RATIFICATION.

21. —§ 1. REPEAL OF THE EIGHTEENTH AMENDMENT.

- § 2. INTOXICATING LIQUORS, SHIPMENT INTO DRY TERRITORY PROHIBITED.

- § 3. RATIFICATION, TIME LIMIT.

22. —§ 1. RESTRICTION ON TERMS OF OFFICE.

- § 2. RATIFICATION, TIME LIMIT.

23. § 1. Presidential and Vice Presidential electors from District of Columbia.

- § 2. Power to enforce amendment.

24. § 1. Right to vote not to be denied for failure to pay poll tax.

- § 2. Power to enforce amendment.

25. § 1. Filling vacancy in office of President.

- § 2. Filling vacancy in office of Vice President.

- § 3. Declaration of disability by President—Acting President.

- § 4. Determination of disability of President.

AMENDMENT 1

Religious and political freedom.—Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

AMENDMENT 2

Right to bear arms.—A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

AMENDMENT 3

Quartering soldiers.—No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT 4

Unreasonable searches and seizures.—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5

Criminal actions—Provisions concerning—Due process of law and just compensation clauses.—No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6

Rights of the accused.—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT 7

Trial by jury in civil cases.—In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

AMENDMENT 8

Bail—Punishment.—Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9

Rights retained by people.—The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT 10

Rights reserved to states or people.—The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

AMENDMENT 11

Suits against states—Restriction of judicial power.—The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

AMENDMENT 12

Election of President and Vice-President.—The electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States directed to the president of the senate;—The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the house of representatives shall choose immediately, by ballot, the President. But in choosing the President, the

votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March*next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

* See Amend. 20.

AMENDMENT 13

§ 1. Slavery prohibited.—Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

§ 2. Power to enforce article.—Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 14

§ 1. Citizenship—Due process of law—Equal protection.—All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2. Representatives—Power to reduce apportionment.—Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

§ 3. Disqualification to hold office.—No person shall be a senator or representative in congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may by a vote of two-thirds of each house, remove such disability.

§ 4. Public debt not to be questioned—Rebel debts and claims not to be paid.—The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slaves; but all such debts, obligations, and claims shall be held illegal and void.

§ 5. Power to enforce amendment.—The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT 15

§ 1. Right of citizens to vote—Race or color not to disqualify.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

§ 2. Power to enforce amendment.—The congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 16

Income tax.—The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

AMENDMENT 17

Election of senators.—The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution.

AMENDMENT 18

§§ 1-3. [Repealed.] *

* See Amend. 21.

AMENDMENT 19

§ 1. Woman suffrage.—The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

§ 2. Power to enforce amendment.—Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 20

§ 1. Executive and legislative departments—Terms of elective officers.—The terms of the President and Vice-President shall end at noon on the twentieth day of January, and the terms of senators and representatives at noon on the third day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

§ 2. Annual meeting of congress—Date.—The congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

§ 3. Succession to office of President or Vice-President.—If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

§ 4. Death of President or Vice-President—Selection of successor—Choice devolving on either house.—The congress may by law provide for the case of the death of any of the persons from whom the house of representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

§ 5. Effective date of amendment.—Sections one and two shall take effect on the fifteenth day of October following the ratification of this article.

§ 6. Time limit for ratification.—This article shall be inoperative unless it shall have been ratified as an amendment to the constitution

by the legislatures of three-fourths of the several states within seven years from the date of its submission.

AMENDMENT 21

§ 1. **Repeal of eighteenth amendment.**—The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

§ 2. **Intoxicating liquors, shipment into dry territory prohibited.**—The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

§ 3. **Ratification, time limit.**—This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT 22

§ 1. **Restriction on terms of President.**—No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

§ 2. **Ratification, time limit.**—This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT 23

§ 1. **Presidential and Vice Presidential electors from District of Columbia.**—The District constituting the seat of Government of the United States shall appoint in such a manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

§ 2. **Power to enforce amendment.**—The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 24

§ 1. **Right to vote not to be denied for failure to pay poll tax.**—The right of citizens of the United States to vote in any primary or other

election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

§ 2. **Power to enforce amendment.**—The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT 25

§ 1. **Filling vacancy in office of President.**—In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

§ 2. **Filling vacancy in office of Vice President.**—Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

§ 3. **Declaration of disability by President — Acting President.**—Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

§ 4. **Determination of disability of President.**—Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT 26

§ 1. **Age limit for right to vote.**—The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

§ 2. **Enforcement of article.**—The Congress shall have power to enforce this article by appropriate legislation.

CONSTITUTION OF STATE OF INDIANA

1851

ARTICLE.

1. BILL OF RIGHTS.
2. SUFFRAGE AND ELECTIONS.
3. DISTRIBUTION OF POWERS.
4. LEGISLATIVE.
5. EXECUTIVE.
6. ADMINISTRATIVE.
7. JUDICIAL.
8. EDUCATION.
9. STATE INSTITUTIONS.

ARTICLE.

10. FINANCE.
11. CORPORATIONS.
12. MILITIA.
13. MUNICIPAL DEBT.
14. BOUNDARIES.
15. MISCELLANEOUS.
16. AMENDMENTS.
- SCHEDULE.

PREAMBLE

To the end, that justice be established, public order maintained, and liberty perpetuated: WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE 1

BILL OF RIGHTS

SECTION.

1. Natural rights.
2. Right to worship.
3. Freedom of thought.
4. No preference to any creed.
5. No religious test for office.
6. No money for religious institutions.
7. Competency of witness.
8. Oath, how administered.
9. Free speech and writing.
10. The truth in libel.
11. Unreasonable search or seizure.
12. Courts open—Due course of law—Administration of justice.
13. Rights of accused.
14. Former jeopardy — Self-incrimination.
15. Unnecessary rigor prohibited.
16. Excessive bail, punishment, and penalties.
17. Bailable offenses.
18. Reformation as basis of penal code.
19. Jury in criminal cases—Right to determine law and facts.
20. Trial by jury inviolate in civil cases.
21. Compensation for services or property.
22. Exemption—Imprisonment for debt.
23. Privileges equal.
24. Ex post facto laws—Laws impairing obligations of contract.
25. Taking effect of laws.
26. Suspension of laws.
27. Suspension of habeas corpus.
28. Treason.
29. Proof in treason.
30. Effect of conviction.
31. Right to assemble, instruct, and petition.
32. Right to bear arms.
33. Military subject to civil power.
34. Restrictions upon soldiers.
35. No titles of nobility, nor hereditary distinctions.
36. Emigration free.
37. Slavery prohibited.

§ 1. **Natural rights.**—WE DECLARE, That all men are created equal; that they are endowed by their CREATOR with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the People have, at all times, an indefeasible right to alter and reform their government.

§ 2. **Right to worship.**—All men shall be secured in their natural right to worship Almighty God, according to the dictates of their own consciences.

§ 3. **Freedom of thought.**—No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

§ 4. **No preference to any creed.**—No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

§ 5. **No religious test for office.**—No religious test shall be required as a qualification for any office of trust or profit.

§ 6. **No money for religious institutions.**—No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

§ 7. **Competency of witness.**—No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

§ 8. **Oath, how administered.**—The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

§ 9. **Free speech and writing.**—No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible.

§ 10. **The truth in libel.**—In all prosecutions for libel, the truth of the matters alleged to be libellous may be given in justification.

§ 11. **Unreasonable search or seizure.**—The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

§ 12. **Courts open—Due course of law—Administration of justice.**—All courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

§ 13. **Rights of accused.**—In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

§ 14. **Former jeopardy—Self-incrimination.**—No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

§ 15. **Unnecessary rigor prohibited.**—No person arrested, or confined in jail, shall be treated with unnecessary rigor.

§ 16. **Excessive bail, punishment, and penalties.**—Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

§ 17. **Bailable offenses.**—Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

§ 18. **Reformation as basis of penal code.**—The penal code shall be founded on the principles of reformation, and not of vindictive justice.

§ 19. **Jury in criminal cases—Right to determine law and facts.**—In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

§ 20. **Trial by jury inviolate in civil cases.**—In all civil cases, the right of trial by jury shall remain inviolate.

§ 21. **Compensation for services or property.**—No man's particular services shall be demanded, without just compensation. No man's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

§ 22. **Exemption — Imprisonment for debt.**—The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

§ 23. **Privileges equal.**—The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

§ 24. **Ex post facto laws—Laws impairing obligations of contract.**—No ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

§ 25. **Taking effect of laws.**—No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

§ 26. **Suspension of laws.**—The operation of the laws shall never be suspended, except by the authority of the General Assembly.

§ 27. **Suspension of habeas corpus.**—The privilege of the writ of habeas corpus shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

§ 28. **Treason.**—Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

§ 29. **Proof in treason.**—No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

§ 30. **Effect of conviction.**—No conviction shall work corruption of blood, or forfeiture of estate.

§ 31. **Right to assemble, instruct, and petition.**—No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

§ 32. **Right to bear arms.**—The people shall have a right to bear arms, for the defense of themselves and the State.

§ 33. **Military subject to civil power.**—The military shall be kept in strict subordination to the civil power.

§ 34. **Restrictions upon soldiers.**—No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

§ 35. **No titles of nobility, nor hereditary distinctions.**—The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

§ 36. **Emigration free.**—Emigration from the State shall not be prohibited.

§ 37. **Slavery prohibited.**—There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

ARTICLE 2

SUFFRAGE AND ELECTIONS

SECTION.

1. Elections free and equal.
2. Qualifications of electors.
3. Soldiers—Seamen—Marines.
4. Residence.
5. [Repealed.]
6. Bribery a disqualification for office.
7. Challenge to duel.
8. Disfranchisement.

SECTION.

9. Effect of holding lucrative offices.
10. Defaulters not eligible.
11. Pro tempore appointments.
12. Electors free from arrest.
13. Method of election.
14. Time of elections—Judges—Registration.

§ 1. **Elections free and equal.**—All elections shall be free and equal.

§ 2. **Qualifications of electors.**—In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election, shall be entitled to vote in the township or precinct where he or she may reside. [As amended Acts 1881, J. R. No. 8, p. 721, adopted March 14, 1881, proclaimed in effect March 24, 1881; 1921, ch. 281, p. 880, adopted Sept. 6, 1921, proclaimed in effect, Sept. 13, 1921.]

§ 3. **Soldiers—Seamen—Marines.**—No soldier, seaman, or marine, in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

§ 4. **Residence.**—No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this State or of the United States.

§ 5. [Repealed.]

§ 6. **Bribery a disqualification for office.**—Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

§ 7. **Challenge to duel.**—Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

§ 8. **Disfranchisement.**—The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

§ 9. **Effect of holding lucrative offices.**—No person holding a lucrative office or appointment under the United States or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this

Constitution expressly permitted: Provided, that offices in the militia to which there is attached no annual salary, and the office of Deputy Postmaster where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative: And provided, also, that counties containing less than one thousand polls, may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person.

§ 10. **Defaulters not eligible.**—No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

§ 11. **Pro tempore appointments.**—In all cases in which it is provided, that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

§ 12. **Electors free from arrest.**—In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

§ 13. **Method of election.**—All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be viva voce.

§ 14. **Time of elections—Judges—Registration.**—All general elections shall be held on the first Tuesday after the first Monday in November, but township elections may be held at such time as may be provided by law: Provided, that the General Assembly may provide by law for the election of all Judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote. [As amended March 14, 1881.]

ARTICLE 3

DISTRIBUTION OF POWERS

§ 1. **Three departments.**—The powers of the Government are divided into three separate departments; the Legislative, the Executive including the Administrative, and the Judicial; and no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

SECTION.

1. The general assembly.
2. Number of members.
3. Term of office.
4. Periodical enumeration.
5. Apportionment of representation.
6. Districts—Requirements as to divisions.
7. Qualifications of members of assembly.
8. Privileges of members.
9. Sessions.
10. Officers—Procedure—Adjournment.
11. Quorum.
12. Journal.
13. Doors to be open.
14. Disorderly behavior punished.
15. Imprisonment for contempt.
16. Powers of each house.
17. Bills.
18. Reading and vote.
19. Subject matter of acts.
20. Plain wording.
21. [Repealed.]
22. Local or special laws forbidden.
23. Laws must be general.
24. Suits against the state.
25. Passage of bills.
26. Protest and entry.
27. Public laws.
28. Effective date of statutes.
29. Pay of members—Duration of sessions.
30. Members ineligible to certain offices.

ARTICLE 4

LEGISLATIVE

SECTION.

16. Powers of each house.
17. Bills.
18. Reading and vote.
19. Subject matter of acts.
20. Plain wording.
21. [Repealed.]
22. Local or special laws forbidden.
23. Laws must be general.
24. Suits against the state.
25. Passage of bills.
26. Protest and entry.
27. Public laws.
28. Effective date of statutes.
29. Pay of members—Duration of sessions.
30. Members ineligible to certain offices.

§ 1. The general assembly.—The Legislative authority of the State shall be vested in the General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana"; and no law shall be enacted, except by bill.

§ 2. Number of members.—The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided.

§ 3. Term of office.—Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: Provided, however, that the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class, at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

§ 4. Periodical enumeration.—The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years. [As amended on March 14, 1881.]

§ 5. Apportionment of representation.—The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: Provided, that the first and second

elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this constitution. [As amended on March 14, 1881.]

§ 6. Districts—Requirements as to divisions.—A Senatorial or Representative District, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

§ 7. Qualifications of members of assembly.—No person shall be a Senator or a Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been for two years next preceding his election, an inhabitant of this State, and, for one year next preceding his election, an inhabitant of the county or district, whence he may be chosen. Senators shall be at least twenty five, and Representatives at least twenty-one years of age.

§ 8. Privileges of members.—Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

§ 9. Sessions.—The sessions of the General Assembly shall be held at the capital of the State, commencing on the Tuesday next after the second Monday in January of each year in which the General Assembly meets unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time by proclamation, call a special session. The length and frequency of the sessions of the General Assembly shall be fixed by law. [As amended November 3, 1970.]

The 1970 amendment to §§ 9 and 29 of Art. 4 also contained a schedule which read:

"SCHEDULE

"If at the time these amendments become effective, the General Assembly has not fixed the length of time in days of the legislative session by law, any regular session of the General Assembly held thereafter and until the length and frequency of such sessions are fixed by law, shall begin from the date specified in Section 9 of Article 4 of this Constitution and shall continue for not more than sixty-one (61) session days. A session

day is defined as any day in which either House of the General Assembly convenes. The Speaker of the House acting jointly with the President of the Senate, or if there be no President, the President Pro-Tem of the Senate, jointly may recess or adjourn a session for any period of time not to exceed twenty-one (21) days, during which time various standing committees of both Houses may meet at the call of the respective committee chairmen. No regular legislative session of the General Assembly may extend beyond the 30th day of April of the year in which it is convened."

§ 10. Officers—Procedure—Adjournment.—Each House, when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualifications, and returns of its own

members; determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

§ 11. Quorum.—Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days until an organization shall have been effected.

§ 12. Journal.—Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; Provided, that on motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

§ 13. Doors to be open.—The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

§ 14. Disorderly behavior punished.—Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

§ 15. Imprisonment for contempt.—Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior, in its presence; but such imprisonment shall not, at any one time, exceed twenty-four hours.

§ 16. Powers of each house.—Each House shall have all powers, necessary for a branch of the legislative department of a free and independent State.

§ 17. Bills.—Bills may originate in either House, but may be amended or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.

§ 18. Reading and vote.—Every bill shall be read, by sections, on three several days, in each House; unless, in case of emergency, two-thirds of the House where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill, by sections, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

§ 19. Subject matter of acts.—An act, except an act for the codification, revision or rearrangement of laws, shall be confined to one subject and matters properly connected therewith. [As amended November 8, 1960; November 5, 1974.]

§ 20. Plain wording.—Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

§ 21. [Repealed.]

§ 22. Local or special laws forbidden.—The General Assembly shall not pass local or special laws, in any of the following enumerated cases, that is to say:

- [1.] Regulating the jurisdiction and duties of Justices of the Peace and of Constables;
- [2.] For the punishment of crimes and misdemeanors;
- [3.] Regulating the practice in courts of justice;
- [4.] Providing for changing the venue in civil and criminal cases;
- [5.] Granting divorces;
- [6.] Changing the names of persons;
- [7.] For laying out, opening and working on highways, and for the election or appointment of supervisors;
- [8.] Vacating roads, town plats, streets, alleys and public squares;
- [9.] Summoning and impaneling grand and petit juries, and providing for their compensation;
- [10.] Regulating county and township business;
- [11.] Regulating the election of county and township officers and their compensation;
- [12.] For the assessment and collection of taxes for State, county, township, or road purposes;
- [13.] Providing for supporting common schools, and for the preservation of school funds;
- [14.] In relation to fees or salaries: except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required; [As amended March 14, 1881.]
- [15.] In relation to interest on money;
- [16.] Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;
- [17.] Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

§ 23. **Laws must be general.**—In all the cases enumerated in the preceding Section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

§ 24. **Suits against the state.**—Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

§ 25. **Passage of bills.**—A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the Presiding Officers of the respective Houses.

§ 26. **Protest and entry.**—Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

§ 27. **Public laws.**—Every statute shall be a public law, unless otherwise declared in the statute itself.

§ 28. **Effective date of statutes.**—No act shall take effect, until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency; which emergency shall be declared in the preamble, or in the body, of the law.

§ 29. **Pay of members.—Duration of sessions.**—The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made." [As amended November 3, 1970.]

§ 30. **Members ineligible to certain offices.**—No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.

ARTICLE 5

EXECUTIVE

SECTION.

1. Governor.
2. Lieutenant-Governor.

SECTION.

3. Election.
4. Manner of voting.

SECTION.

5. Tie vote.
6. Contests.
7. Qualifications.
8. Persons ineligible.
9. Term of office.
10. Vacancies.
11. President pro tempore of senate.
12. Governor.—Commander-in-chief.
13. Messages.
14. Bills signed or vetoed.
15. Information from officers.

SECTION.

16. Execution of laws.
17. Pardons and reprieves.
18. Vacancies filled by governor.
19. Election to vacancies in assembly.
20. Change of meeting-place of assembly.
21. Duties of lieutenant-governor.
22. Pay of governor.
23. Pay of lieutenant-governor.
24. Ineligibility to other office.

§ 1. **Governor.**—The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than eight years in any period of twelve years. [As amended November 7, 1972.]

§ 2. **Lieutenant-Governor.**—There shall be a Lieutenant Governor, who shall hold his office during four years.

§ 3. **Election.**—The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

§ 4. **Manner of voting.**—Each candidate for Lieutenant Governor shall run jointly in the general election with a candidate for Governor, and his name shall appear jointly on the ballot with the candidate for Governor. Each vote cast for a candidate for Governor shall be considered cast for the candidate for Lieutenant Governor as well. The candidate for Lieutenant Governor whose name appears on the ballot jointly with that of the successful candidate for Governor shall be elected Lieutenant Governor. [As amended November 5, 1974.]

§ 5. **Tie vote.**—In the event of a tie vote, the Governor and Lieutenant Governor shall be elected from the candidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both Houses as the first order of business after their organization. [As amended November 5, 1974.]

§ 6. **Contests.**—Contested elections for Governor or Lieutenant Governor, shall be determined by the General Assembly, in such manner as may be prescribed by law.

§ 7. **Qualifications.**—No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices, who shall not have attained the age of thirty years.

§ 8. **Persons ineligible.**—No member of Congress, or person holding any office under the United States or under this State, shall fill the office of Governor or Lieutenant Governor.

§ 9. Term of office.—The official term of the Governor and Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

§ 10. Vacancies.—In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Lieutenant Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant Governor, declaring what officer shall then act as Governor; and such officer shall act accordingly, until the disability be removed or a Governor be elected.

§ 11. President pro tempore of senate.—Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

§ 12. Governor—Commander-in-chief.—The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces, to execute the laws, or to suppress insurrection, or to repel invasion.

§ 13. Messages.—He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

§ 14. Bills signed or vetoed.—Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentation to act upon such bill.

- (1) He may sign it, in which event it shall become a law.
- (2) He may veto it:

(a) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within 7 days of presentation, to the House in which it originated, which House shall enter the objections at large upon its journals and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and, if approved by a majority of all the members elected to that House, it shall be a law. If such bill is not so returned by the Governor within 7 days of presentation, it shall be a law notwithstanding such veto.

(b) In the event of a veto after final adjournment of a session of the General Assembly, or during a temporary adjournment of a session, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentation to the Governor.

Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentation shall be filed with the Secretary of State within ten days of presentation. The failure to so file shall not prevent such a bill from becoming a law.

In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentation to the Governor: Provided, That in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill. [As amended November 7, 1972.]

§ 15. Information from officers.—The Governor shall transact all necessary business with the officers of government, and may require information in writing, from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

§ 16. Execution of laws.—He shall take care that the laws be faithfully executed.

§ 17. Pardons and reprieves.—He shall have the power to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the General Assembly, at its next meeting; when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: Provided, however, that the General Assembly may, by law, constitute a council to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

§ 18. Vacancies filled by governor.—When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court; the Governor shall fill such vacancy, by appointment, which shall expire, when a successor shall have been elected and qualified.

§ 19. Vacancies in assembly.—The General Assembly may provide by law for the filling of such vacancies as may occur in the General Assembly. [As amended November 7, 1972.]

§ 20. Change of meeting-place of assembly.—Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

§ 21. **Duties of lieutenant-governor.**—The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and, whenever the Senate shall be equally divided, he shall give the casting vote.

§ 22. **Pay of governor.**—The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished, during the term for which he shall have been elected.

§ 23. **Pay of lieutenant-governor.**—The Lieutenant Governor while he shall act as President of the Senate, shall receive, for his services, the same compensation as the Speaker of the House of Representatives; and any person, acting as Governor, shall receive the compensation attached to the office of Governor.

§ 24. **Ineligibility to other office.**—Neither the Governor nor Lieutenant Governor shall be eligible to any other office, during the term for which he shall have been elected.

ARTICLE 6

ADMINISTRATIVE

SECTION.

1. Secretary, auditor, and treasurer of state.
2. Designated county officers.—Terms.
3. Other county and township officers.
4. Qualifications of county officers.
5. Residence of state officers.
6. Residence of local officers.
7. Impeachment of state officers.
8. Impeachment of local officers.
9. Vacancies in local offices.
10. County boards.
11. County sheriff.—Election.—Term of office.

§ 1. **Secretary, auditor and treasurer of state.**—There shall be elected, by the voters of the state, a Secretary, an Auditor and a Treasurer of State, who shall, severally, hold their offices for four years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices, more than eight years in any period of twelve years. [As amended November 3, 1970.]

§ 2. **Designated county officers.—Terms.**—There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor, Recorder, Treasurer, Coroner and Surveyor shall continue in office four years; and no person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer or Coroner more than eight years in any period of twelve years: Provided, That the Treasurer of each county re-elected at the general election in 1952 shall continue in office until January 1, 1957 and shall not be eligible for re-election to the office of County Treasurer at the general election in 1956. [As amended November 4, 1952.]

§ 3. **Other county and township officers.**—Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

§ 4. **Qualifications of county officers.**—No person shall be elected, or appointed, as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof, during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties, out of which the same shall have been taken.

§ 5. **Residence of state officers.**—The Governor, and the Secretary, Auditor and Treasurer of State, shall, severally, reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

§ 6. **Residence of local officers.**—All county, township, and town officers, shall reside within their respective counties, townships, and towns; and shall keep their respective offices at such places therein, and perform such duties, as may be directed by law.

§ 7. **Impeachment of state officers.**—All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

§ 8. **Impeachment of local officers.**—All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.

§ 9. **Vacancies in local offices.**—Vacancies in county, township, and town offices, shall be filled in such manner as may be prescribed by law.

§ 10. **County boards.**—The General Assembly may confer upon the boards doing county business in the several counties, powers of a local, administrative character.

§ 11. **County sheriff.—Election.—Term of office.**—Notwithstanding any other provision hereof, the Sheriff of each county shall be elected in the general election held in the year 1950 and each four years thereafter. The term of office of each such Sheriff shall be four years beginning upon the first day of January next following his election and no person shall be eligible to such office more than eight years in any period of twelve years: Provided, however, that any elected Sheriff who shall hold said office on December 31, 1950, and who shall have been elected to said office for a period of less than two consecutive years immediately preceding, shall continue in said office for the four year term commencing January 1, 1951. [Added Nov. 2, 1948.]

ARTICLE 7

JUDICIAL

SECTION.

1. Judicial power.
2. Supreme Court.
3. Chief Justice.
4. Jurisdiction of Supreme Court.
5. Court of Appeals.
6. Jurisdiction of Court of Appeals.
7. Judicial circuits.
8. Circuit courts.
9. Judicial nominating commission.
10. Selection of justices of the Supreme Court and judges of the Court of Appeals.
11. Tenure of justices of Supreme Court and judges of the Court of Appeals.
12. Substitution of judges.
13. Removal of circuit court judges and prosecuting attorneys.
14. Incumbent judges.
15. No limitation on term of office.
16. Prosecuting attorneys.
17. Grand jury.
18. Criminal prosecutions.
19. Pay.
20. Existing courts and incumbent judges.

§ 1. Judicial power.—The judicial power of the State shall be vested in one Supreme Court, one Court of Appeals, Circuit Courts, and such other courts as the General Assembly may establish. [As added November 3, 1970.]

§ 2. Supreme Court.—The Supreme Court shall consist of the Chief Justice of the State and not less than four nor more than eight associate justices; a majority of whom shall form a quorum. The court may appoint such personnel as may be necessary. [As added November 3, 1970.]

§ 3. Chief Justice.—The Chief Justice of the State shall be selected by the judicial nominating commission from the members of the Supreme Court and he shall retain that office for a period of five years, subject to reappointment in the same manner, except that a member of the Court may resign the office of Chief Justice without resigning from the Court. During a vacancy in the office of Chief Justice caused by absence, illness, incapacity or resignation all powers and duties of that office shall devolve upon the member of the Supreme Court who as senior in length of service and if equal in length of service the determination shall be by lot until such time as the cause of the vacancy is terminated or the vacancy is filled.

The Chief Justice of the State shall appoint such persons as the General Assembly by law may provide for the administration of his office. The Chief Justice shall have prepared and submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested. [As added November 3, 1970.]

§ 4. Jurisdiction of Supreme Court.—The Supreme Court shall have no original jurisdiction except in admission to the practice of law; discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death, life imprisonment or imprison-

ment for a term greater than ten years shall be taken directly to the Supreme Court. The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed. [As added November 3, 1970.]

§ 5. Court of Appeals.—The Court of Appeals shall consist of as many geographic districts and sit at such locations as the General Assembly shall determine to be necessary. Each geographic district of the Court shall consist of three judges. The judges of each geographic district shall appoint such personnel as the General Assembly may provide by law. [As added November 3, 1970.]

§ 6. Jurisdiction of Court of Appeals.—The Court shall have no original jurisdiction, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies. In all other cases, it shall exercise appellate jurisdiction under such terms and conditions as the Supreme Court shall specify by rules which shall, however, provide in all cases an absolute right to one appeal and to the extent provided by rule, review and revision of sentences for defendants in all criminal cases. [As added November 3, 1970.]

§ 7. Judicial circuits.—The State shall, from time to time, be divided into judicial circuits; and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit and shall have been duly admitted to practice law by the Supreme Court of Indiana; he shall hold his office for the term of six years, if he so long behaves well. [As added November 3, 1970.]

§ 8. Circuit courts.—The Circuit Courts shall have such civil and criminal jurisdiction as may be prescribed by law. [As added November 3, 1970.]

§ 9. Judicial nominating commission.—There shall be one judicial nominating commission for the Supreme Court and Court of Appeals. This commission shall, in addition, be the commission on judicial qualifications for the Supreme Court and Court of Appeals.

The judicial nominating commission shall consist of seven members, a majority of whom shall form a quorum, one of whom shall be the Chief Justice of the State or a Justice of the Supreme Court whom he may designate, who shall act as chairman. Those admitted to the practice of law shall elect three of their number to serve as members of said commission. All elections shall be in such manner as the General Assembly may provide. The governor shall appoint to the commission three citizens, not admitted to the practice of law. The terms of office and compensation for members of a judicial nominating commission shall be fixed by the General Assembly. No member of a judicial nominating commission other than the Chief Justice or his designee shall hold any other salaried public office. No member shall hold an office in a political party or organization. No member of the judicial nominating commission shall be eligible for appointment to a judicial office so long as he is a member of the commission and for a period of three years thereafter. [As added November 3, 1970.]

§ 10. Selection of justices of the Supreme Court and judges of the Court of Appeals.—A vacancy in a judicial office in the Supreme Court or Court of Appeals shall be filled by the Governor, without regard to political affiliation, from a list of three nominees presented to him by the judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the day it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice from the same list.

To be eligible for nomination as a justice of the Supreme Court or judge of the Court of Appeals, a person must be domiciled within the geographic district, a citizen of the United States, admitted to the practice of law in the courts of the state for a period of not less than ten (10) years or must have served as a judge of a circuit, superior or criminal court of the State of Indiana for a period of not less than five (5) years. [As added November 3, 1970.]

§ 11. Tenure of justices of Supreme Court and judges of the Court of Appeals.—A justice of the Supreme Court or judge of the Court of Appeals shall serve until the next general election following the expiration of two years from the date of appointment, and, subject to approval or rejection by the electorate, shall continue to serve for terms of ten years, so long as he retains his office. In the case of a justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals the electorate of the geographic district in which he serves shall vote on the question of approval or rejection.

Every such justice and judge shall retire at the age specified by statute in effect at the commencement of his current term.

Every such justice or judge is disqualified from acting as a judicial officer, without loss of salary, while there is pending (1) an indictment or information charging him in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States, or (2) a recommendation to the Supreme Court by the commission on judicial qualifications for his removal or retirement.

On recommendation of the commission on judicial qualifications or on its own motion, the Supreme Court may suspend such justice or judge from office without salary when in any court in the United States he pleads guilty or no contest or is found guilty of a crime punishable as a felony under the laws of Indiana or the United States, or of any other crime that involves moral turpitude under that law. If his conviction is reversed, suspension terminates and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the Supreme Court shall remove him from office.

On recommendation of the commission on judicial qualifications the Supreme Court may (1) retire such justice or judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove such justice or judge, for action occurring not more than six years prior to the commencement of his current term, when such action constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

A justice or judge so retired by the Supreme Court shall be considered to have retired voluntarily. A justice or judge so removed by the Supreme Court is ineligible for judicial office and pending further order of the Court he is suspended from practicing law in this State.

Upon receipt by the Supreme Court of any such recommendation, the Court shall hold a hearing, at which such justice or judge is entitled to be present, and make such determinations as shall be required. No justice shall participate in the determination of such hearing when it concerns himself.

The Supreme Court shall make rules implementing this section and provide for convening of hearings. Hearings and proceedings shall be public upon request of the justice or judge whom it concerns.

No such justice or judge shall, during his term of office, engage in the practice of law, run for elective office other than a judicial office, directly or indirectly make any contribution to, or hold any office in, a political party or organization or take part in any political campaign. [As added November 3, 1970.]

§ 12. Substitution of judges.—The General Assembly may provide, by law, that the Judge of one circuit may hold the Courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his circuit, provision may be made, by law, for holding such courts. [As added November 3, 1970.]

§ 13. Removal of circuit court judges and prosecuting attorneys.—Any Judge of the Circuit Court or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law. [As added November 3, 1970.]

§ 14. Incumbent judges.—Judges of the Supreme and Appellate Courts holding office at the time this article is adopted shall continue in office as a judge of the appropriate court and district, as if appointed thereto, until the expiration of their elected or appointed term. At the general election immediately preceding expiration of their term, these judges shall have their names submitted to the voters under the provisions of section 11 of Article 7. [As added November 3, 1970.]

§ 15. No limitation on term of office.—The provisions of Article 15, section 2, prohibiting terms of office longer than four years, shall not apply to justices and judges. [As added November 3, 1970.]

§ 16. Prosecuting attorneys.—There shall be elected in each judicial circuit by the voters thereof a prosecuting attorney, who shall have been admitted to the practice of law in this State before his election, who shall hold his office for four years, and whose term of office shall begin on the first day of January next succeeding his election. The election of prosecuting attorneys under this section shall be held at the time of holding the general election in the year 1974 and each four years thereafter. [As added November 3, 1970.]

§ 17. Grand jury.—The General Assembly may modify, or abolish, the grand jury system. [As added November 3, 1970.]

§ 18. Criminal prosecutions.—All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all process shall be: "The State of Indiana." [As added November 3, 1970.]

§ 19. Pay.—The Justices of Supreme Court and Judges of the Court of Appeals and of the Circuit Courts shall at stated times receive a compensation which shall not be diminished during their continuance in office. [As added November 3, 1970.]

§ 20. Existing courts and incumbent judges.—All superior, criminal, juvenile, probate, municipal, city and magistrates courts in existence immediately prior to the taking effect of this amendment shall remain in existence after the taking effect of this amendment, and all laws relating to such courts or governing the organization, jurisdiction, or proceedings thereof which are in effect immediately prior to the taking effect of this amendment shall remain in effect unless and until such courts are abolished or altered or such laws repealed or amended by an act of the General Assembly pursuant to this amendment.

All judges of superior, criminal, juvenile, probate, and municipal courts holding office immediately prior to the taking effect of this amendment shall continue in office as judges of such courts until the expiration of such term of office, and in no event shall any court be abolished prior to the expiration of the term of office for which the judge thereof was elected or appointed prior to the taking effect of this amendment. [As added November 3, 1970.]

SCHEDULE

The Ninety-seventh General Assembly shall provide by law for the orderly change of the judicial department in compliance with and subject to the provisions of this amendment.

The report of the Judicial Study Commission and the comments to the article contained therein may be consulted by the Court of Justice to determine the underlying reasons, purposes, and policies of this article and may be used as a guide in its construction and application.

The Governor shall appoint the first Chief Justice of Indiana from the members of the Supreme Court. The Chief Justice shall serve until such time as the nominating commission has made the appointment as provided in section 3 of this article.

The effective date of this amendment shall be January 1, 1972.

ARTICLE 8

EDUCATION

SECTION.

1. Common schools.
2. Common school fund.
3. Principal a perpetual fund—Appropriation of income.
4. Investment and distribution.

SECTION.

5. Reinvestment.
6. Counties—Liability.
7. Trust funds inviolate.
8. Superintendent of public instruction.

§ 1. Common schools.—Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

§ 2. Common school fund.—The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto; The Surplus Revenue fund;

The Saline fund and the lands belonging thereto; The bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such seminaries;

From the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the twenty-eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.

§ 3. Principal a perpetual fund — Appropriation of income.—The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

§ 4. Investment and distribution.—The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund, as have not heretofore been entrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

§ 5. Reinvestment.—If any county shall fail to demand its proportion of such interest, for Common School purposes, the same shall be reinvested, for the benefit of such county.

§ 6. **Counties—Liability.**—The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

§ 7. **Trust funds inviolate.**—All trust funds, held by the State, shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

§ 8. **Superintendent of public instruction.**—There shall be a State Superintendent of Public Instruction, whose method of selection, tenure, duties and compensation shall be prescribed by law.

SCHEDULE

The tenure of both the incumbent and the Superintendent of Public Instruction-elect at the time this amendment is ratified by the electors of this state shall not be changed.

All laws not in conflict with this amendment shall remain in full force and effect until repealed or amended. [As amended November 7, 1972.]

ARTICLE 9

STATE INSTITUTIONS

SECTION.

1. Benevolent institutions.
2. Houses of refuge.
- SECTION.
3. County asylums.

§ 1. **Benevolent institutions.**—It shall be the duty of the General Assembly to provide, by law, for the support of Institutions for the education of the Deaf and Dumb, and of the Blind; and also, for the treatment of the Insane.

§ 2. **Houses of refuge.**—The General Assembly shall provide Houses of Refuge, for the correction and reformation of juvenile offenders.

§ 3. **County asylums.**—The county boards shall have power to provide farms, as an asylum for those persons, who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

ARTICLE 10

FINANCE

SECTION.

1. Assessment and taxation.
2. Payment of public debt.
3. Appropriations.
4. Statement of receipts and expenditures.
- SECTION.
5. State debt prohibited—Exceptions.
6. County indebtedness for stock—State assumption of debts.
7. Wabash and Erie Canal.
8. Income tax.

§ 1. **Assessment and taxation.**—(a) The General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal. The General Assembly may exempt from property taxation any property in any of the following classes:

(1) Property being used for municipal, educational, literary, scientific, religious or charitable purposes;

(2) Tangible personal property other than property being held for sale in the ordinary course of a trade or business, property being held, used or consumed in connection with the production of income, or property being held as an investment;

(3) Intangible personal property.

(b) The General Assembly may exempt any motor vehicles, mobile homes, airplanes, boats, trailers or similar property, provided that an excise tax in lieu of the property tax is substituted therefor. [As amended November 8, 1966.]

§ 2. **Payment of public debt.**—All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than Bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the Public Debt.

§ 3. **Appropriations.**—No money shall be drawn from the Treasury, but in pursuance of appropriations made by law.

§ 4. **Statement of receipts and expenditures.**—An accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly.

§ 5. **State debt prohibited—Exceptions.**—No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State Debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

§ 6. **County indebtedness for stock—State assumption of debts.**—No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town, or township; nor of any corporation whatever.

§ 7. **Wabash and Erie Canal.**—No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act, passed January 29, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificate or stocks shall ever be paid by this State.

§ 8. **Income tax.**—The general assembly may levy and collect a tax upon income, from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law.

ARTICLE 11

CORPORATIONS

SECTION.

1. Incorporation of banks.
2. General banking law.
3. Registry of notes.
4. Bank with branches.
5. Branches mutually responsible.
6. [Repealed.]
7. Redemption.

SECTION.

8. Holders' preference.
9. Interest.
10. [Repealed.]
11. Trust funds.
12. State not to be stockholder.
13. General laws.
14. Individual liability of stockholders.

§ 1. Incorporation of banks.—The General Assembly shall not have power to establish, or incorporate, any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

§ 2. General banking law.—No banks shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

§ 3. Registry of notes.—If the General Assembly shall enact a general banking law, such law shall provide for the registry and counter-signing, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of State.

§ 4. Bank with branches.—The General Assembly may also charter a bank with branches, without collateral security as required in the preceding section.

§ 5. Branches mutually responsible.—If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities upon all paper credit issued as money.

§ 6. [Repealed.]

§ 7. Redemption.—All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly, or indirectly, the suspension, by any bank or banking company, of specie payments.

§ 8. Holders' preference.—Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

§ 9. Interest.—No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

§ 10. [Repealed.]

§ 11. Trust funds.—The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

§ 12. State not to be stockholder.—The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever 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.

§ 13. General laws.—Corporations, other than banking, shall not be created by special Act, but may be formed under general laws.

§ 14. Individual liability of stockholders—Legislature empowered to fix.—Dues from corporations shall be secured by such individual liability of the stockholders, or other means, as may be prescribed by law. [As amended November 5, 1940.]

ARTICLE 12

MILITIA

SECTION.

1. Organization.
2. Commander-in-chief.

SECTION.

3. Adjutant general.
4. Conscientious objectors.

§ 1. Organization.—A militia shall be provided and shall consist of all persons over the age of seventeen (17) years, except those persons who may be exempted by the laws of the United States or of this State. The militia may be divided into active and inactive classes and consist of such military organizations as may be provided by law. [As added November 5, 1974 in lieu of original article.]

§ 2. Commander-in-chief.—The Governor is Commander-in-Chief of the militia and other military forces of this state. [As added November 5, 1974 in lieu of original article.]

§ 3. Adjutant general.—There shall be an Adjutant General, who shall be appointed by the Governor. [As added November 5, 1974 in lieu of original article.]

§ 4. Conscientious objectors.—No person, conscientiously opposed to bearing arms, shall be compelled to do so in the militia. [As added November 5, 1974 in lieu of original article.]

ARTICLE 13

MUNICIPAL DEBT

§ 1. **Limitation on indebtedness.—Excess void.**—No political or municipal corporation in this State shall ever become indebted in any manner or for any purpose to an amount in the aggregate exceeding two per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: Provided, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition. [Amendment, in lieu of four old sections. Adopted March 14, 1881.]

ARTICLE 14

BOUNDARIES

- SECTION.
1. State boundaries.
 2. Jurisdictions.

§ 1. **State boundaries.**—In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded, on the East, by the meridian line, which forms the western boundary of the State of Ohio; on the South, by the Ohio river, from the mouth of the Great Miami river to the mouth of the Wabash river; on the West, by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the north-western shore of said Wabash river; and, thence, by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the North, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

§ 2. **Jurisdictions.**—The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio river and with the State of Illinois on the Wabash river, so far as said rivers form the common boundary between this State and said States respectively.

ARTICLE 15

MISCELLANEOUS

- SECTION.
1. Official appointments.
 2. Duration of office.
 3. Holding over.
 4. Official oath.
 5. State seal.

SECTION.

6. Commissions.
7. Areas of counties.
8. Lotteries prohibited.
9. Public grounds.
10. Tippecanoe Battle Ground

§ 1. **Official appointments.**—All officers, whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

§ 2. **Duration of office.**—When the duration of any office is not provided for by this Constitution, it may be declared by law; and, if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

§ 3. **Holding over.**—Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

§ 4. **Official oath.**—Every person elected or appointed to any office under this constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.

§ 5. **State seal.**—There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

§ 6. **Commissions.**—All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the State Seal and attested by the Secretary of State.

§ 7. **Areas of counties.**—No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced.

§ 8. **Lotteries prohibited.**—No lottery shall be authorized; nor shall the sale of lottery tickets be allowed.

§ 9. **Public grounds.**—The following grounds owned by the State in Indianapolis, namely: the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven, as lies north of the arm of the Central Canal, shall not be sold or leased.

§ 10. **Tippecanoe Battle Ground.**—It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE 16

AMENDMENTS

SECTION.

1. How made.
2. Separate vote.

§ 1. How made.—Any amendment or amendments to this Constitution, may be proposed in either branch of the General Assembly; and, if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election; and if, in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

§ 2. Separate vote.—If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately. [As amended November 8, 1966.]

SCHEDULE

Effective date of constitution.—This Constitution, if adopted, shall take effect on the first day of November, in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen.

Continuance of former laws.—That no inconvenience may arise from the change in the government, it is hereby ordained as follows:

Laws continued.—First. All laws now in force, and not inconsistent with this Constitution, shall remain in force, until they shall expire or be repealed.

Proceedings continued.—Second. All indictments, prosecutions, suits, pleas, complaints, and other proceedings, pending in any of the courts, shall be prosecuted to final judgment and executions; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as is now provided by law.

Fines, bonds, and forfeitures—Insurance to state or county.—Third. All fines, penalties, and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county, in the manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force, and inure to the use of those concerned.

Municipal acts continued.—Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Governor holds over.—Fifth. The Governor, at the expiration of the present official term, shall continue to act, until his successor shall have been sworn into office.

General assembly.—Sixth. There shall be a session of the General Assembly, commencing on the first Monday of December, in the year one thousand eight hundred and fifty-one.

Legislators hold over.—Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected, shall continue in office until the first general election under this Constitution.

First general election.—Eighth. The first general election under this Constitution, shall be held in the year one thousand eight hundred and fifty-two.

Election of state officers.—Ninth. The first election for Governor, Lieutenant Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorneys, Secretary, Auditor and Treasurer of State, and the State Superintendent of Public Instruction, under this Constitution shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices, until their successors shall have been elected and qualified.

Continuance of officers.—Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution, (except as in this Constitution otherwise provided,) shall continue in office until the term for which such person has been, or may be, elected, shall expire: Provided, that no such person shall continue in office, after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

Oath.—Eleventh. On the taking effect of this Constitution, all officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Vacancies.—Twelfth. All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Submission of Thirteenth Article.—Thirteenth. At the time of submitting this Constitution to the electors for their approval or disapproval, the article numbered thirteen, in relation to Negroes and Mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise, it shall be void, and form no part thereof.

General submission.—Fourteenth. No Article or Section of this Constitution shall be submitted as a distinct proposition, to a vote of the electors, otherwise than as herein provided.

Perry and Spencer Counties.—Fifteenth. Whenever a portion of the citizens of the counties of Perry and Spencer, shall deem it expedient to form, of the contiguous territory of said counties, a new County, it shall be the duty of those interested in the organization of such new county, to lay off the same, by proper metes and bounds, of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election, shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same, out of the territory thus designated.

Charter of Clarksville.—Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied, according to the intention of the grantor.

Done in Convention, at Indianapolis, the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one; and of the Independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR,
President, and Delegate
from the County of Lawrence.

Attest: Wm. H. English,
Principal Secretary.

GEORGE L. SITES,
HERMAN G. BARKWELL,
ROBERT M. EVANS.

Declaration of Independence 973.3

Declaration of Independence

Date Loaned[illegible]

- free and responsible church-related activities;
- free and responsible government.

Recognizing these fundamentals today, and with a humility that comes from knowing one's own limitations; with a strength which derives from an abiding faith in God and country; and with a determination which springs from the knowledge that justice protects the rights of both the individual and society, I join you in freely accepting the duty, the challenge, and the responsibility of the office of Attorney General of the State of Indiana.