



# Ordinance

Be it ordained by the Representatives of the people of the Territory of Indiana, in Convention met at Corydon, on Monday the tenth day of June, in the year of our Lord eighteen hundred and sixteen; that we do for our selves and our posterity, agree, determine, declare and Ordain, that we will, and do hereby accept the propositions of the Congress of the United States, as in and contained in their act of the nineteenth day of April eighteen hundred and sixteen, entitled an act to make the people of the Indiana Territory to form a State Government, and Constitution, and for the admission of such State into the Union, on an equal footing with the original States.

And we do further for our selves and our posterity, hereby ratify, confirm, and establish the boundaries of the said State of Indiana as prescribed, laid down, and established in the act of Congress

of 1800; and we do also further for our selves and our posterity, hereby agree, determine, declare and ordain; that each and every tract of land now by the United States, lying within the said State and which shall be sold from and after the first day of December next, shall be maintained exempt from any tax, laid by order under any authority of the said State of Indiana, or by, or under the authority of the General Assembly thereof, whether for State County or Township or any other purpose whatever, for the term of five years from and after the day of sale of any such tract of land; and we do moreover for our selves, and our posterity, hereby declare and Ordain that they do exchange and convey part thereof shall forever be and remain unincorporate and unincorporated without the consent of the United States in Congress assembled, first had and obtained for the aforesaid

Thereof, on any part thereof. Done 29<sup>th</sup> 1816

Attest

Wm. A. Hancock

Jonathan Hancock

President of the Convention

The Constitution  
of the  
State of Indiana

We the Representatives of the people of the Territory of Indiana, in  
Convention met, at Corydon, on Monday the tenth day of June in the year  
of our Lord eighteen hundred and sixteen, and of the Independence of the  
United States the fortieth, having the right of admission into the General  
Government, as a member of the Union, consistent with the Constitution of  
the United States, the ordinances of Congress of one thousand thousand seven  
hundred and eighty seven, and the law of Congress, entitled "An act to enable  
the people of the Indiana Territory to form a constitution and State Govern-  
ment, and for the admission of such State into the Union, on an equal  
footing with the original States" in order to establish Justice, promote the

welfare, and secure the blessings of liberty to our selves and our posterity; do  
ordain and establish the following constitution or form of Government, and  
do mutually agree with each other to form our selves into a free and independent  
state, by the name of the State of Indiana

## Article 1

Sec 1<sup>st</sup> That the general, great and essential principles of liberty and free  
Government may be recognized and unalterably established, we declare,  
That all men are born equally free and independent, and have certain  
natural, inherent, and unalienable rights; among which are the enjoying  
and defending life and liberty, and of acquiring, possessing, and protecting  
property and pursuing and obtaining happiness and safety.

Sec 2. That all power is inherent in the people; and all free Governments are  
founded on their authority, and instituted for their peace, safety, and happiness.

For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter or reform their Government in such manner as they may think proper.

Sect 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences: That no man shall be compelled to attend, erect, or support any place of worship or to maintain <sup>any</sup> ministry against his consent: That no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious societies, or modes of worship; and no religious test shall be required as a qualification to any office of trust or profit.

Sect 4. That elections shall be free and equal.

Sect 5. That in all civil cases, when the value in controversy shall exceed the sum of twenty dollars, and in all criminal cases, except in petit misdemeanors which shall be punished by fine only, not exceeding three dollars, in such

manner as the Legislature may prescribe by law; the right of trial by Jury shall remain inviolate.

Sect 6<sup>th</sup> That no power of suspending ~~the~~ operation of the laws, shall be exercised, except by the Legislature, or its authority.

Sect 7<sup>th</sup> That no man's particular ~~particular~~ services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without a just compensation being made therefor.

Sect 8 The rights of the people, to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, 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 persons or things to be seized.

Sect 9<sup>th</sup> That the printing presses shall be free to every person, who undertakes to examine the proceedings of the Legislature, or any branch of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts, and opinions, is one of the invaluable

rights of man; and every Citizen may freely speak, write, and print on any Subject, being responsible for the abuse of that liberty.

Sec 10 In prosecutions for the publication of papers investigating the Official Conduct of Officers, or men in a public capacity, or where the matter published is proper for the public information, the truth thereof may be given in evidence; and in all indictments for libels, the Jury shall have a right to determine the law and the facts, under the direction of the Court, as in other cases. —

Sec 11 That all Courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation shall have remedy by the due course of law; and right and justice administered without denial or delay.

Sec 12 That no person arrested, or confined in jail, shall be treated with unnecessary rigor, or be put to answer any Criminal Charge, but by presentment, Indictment or impeachment.

Sec 13 That in all Criminal prosecutions, the accused hath a right 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, to have to have compulsory process for obtaining witnesses in his favour, and in prosecution by indictment, or presentment a speedy public trial by an impartial jury of the County or district in which the offence shall have been committed; and shall not be compelled to give evidence against himself, nor shall be twice put in jeopardy for the same offence

Act 14 That all persons shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it.

Act 15 Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

Act 16 All penalties shall be proportioned to the nature of the offence.

Act 17 The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estates for

The benefit of his creditor, or creditors, in such manner as shall be prescribed by law.

Sec 18 No ex post facto law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood, nor forfeiture of estate.

Sec 19 That the people have a right to assemble together in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances.

Sec 20 That the people have a right to bear arms for the defence of themselves, and the state, and that the military shall be kept in strict subordination to the civil power.

Sec 21 That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sec 22 That the Legislature shall not grant any title of nobility, or hereditary distinctions, nor create any office, the appointment to which, shall be

be for a longer term than good behaviour.

Act 23 That emigration from the state shall not be prohibited.

Act 24 To guard against any encroachments on the rights herein claimed, we declare, that every thing in this article, is excepted out of the general power of Government, and shall forever remain inviolable.

## Article II

The powers of the Government of Indiana shall be divided into three distinct departments, and each of them be confided to a separate body of Magistracy, to wit: those which are Legislative to one, those which are Executive to another, and those which are Judiciary to another: and no person or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

*[Faint, illegible handwriting]*

# Article III.

Sect 1.<sup>o</sup> The Legislative authority of this State, shall be vested in a general Assembly, which shall consist of a Senate, and house of Representatives, both to be elected by the people.

Sect 2.<sup>o</sup> The general Assembly may, within two years after their first meeting, and shall, in the year eighteen hundred and twenty, and every subsequent term of five years, cause an enumeration to be made, of all the white male inhabitants above the age of twenty one years. The number of Representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several <sup>counties,</sup> according to the number of white male inhabitants, above twenty one years of age in each, and shall never be less than twenty five, nor greater than thirty six, until the number of white male inhabitants

above twenty one year of age, shall be twenty two thousand; and after that event, at such ratio, that the whole number of Representatives shall never be less than thirty six, nor exceed one hundred.

Sec 3<sup>d</sup>. The Representatives shall be chosen annually, by the qualified electors of each County respectively, on the first Monday of August.

Sec 4<sup>th</sup>. No person shall be a Representative, unless he shall have attained the age of twenty one year, and shall be a Citizen of the United States, and an inhabitant of this State, and shall also have resided within the limits of the County, in which he shall be chosen, one year next preceeding his election; if the County shall have been so long erected, but if not, then within the limits of the County or Counties out of which it shall have been taken; unless he shall have been absent on the public business of the United States, or of this State, and shall have paid a State or County tax.

Sect 5<sup>th</sup> The Senators shall be chosen for three years, on the first Monday in August, by the qualified voters for representatives; and on their being convened, in consequence of the first election, they shall be divided by lot, from their respective counties, or districts, as near as can be, into three classes; the seats of the senators of the first class shall be vacated at the expiration of the first year; and the second class, at the expiration of the second year; and of the third class, at the expiration of the third year; so that one third thereof, as near as possible, may be annually chosen for ever thereafter.

Sect 6<sup>th</sup> The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the General Assembly, and apportioned among the several counties or districts, to be established by law, according to the number of white male inhabitants of the age of twenty one years in each, and shall never be less than one third, nor more than one half of the number of Representatives.



Sect 7.<sup>th</sup> No person shall be a senator, unless he shall have attained the age of twenty five years, and shall be a citizen of the United States, and shall, next preceding the election, have resided two years in the State, the last twelve months of which, in the County or district in which he may be elected; if the County or district shall have been so long enacted, but if not, then within the limits of the County, or Counties, district or districts, out of which the same shall have been taken; unless he shall have been absent on the public business of the United States, or of this State, and shall moreover have paid a State or County tax.

Sect 8.<sup>th</sup> The house of Representatives, when assembled, shall choose a speaker, and its other officers, and the Senate shall choose its officers, except the president, and each shall be judges of the qualifications and elections of its members, and sit upon its own adjournments. Two thirds

of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

Sect 9<sup>th</sup> Each house shall keep a Journal of its proceedings, and publish them; The yeas and nays of the members, on any question, shall, at the request of any two of them, be entered on the Journals.

Sect 10<sup>th</sup> Any one member of either house, shall have liberty to dissent from, and protest against any act or resolution, which he may think injurious to the public, or any individual, or individuals, and have the reasons of his dissent entered on the Journals.

Sect 11 Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with <sup>the</sup> concurrence of two thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the Legislature of a free and independent State;

Sec. 12<sup>th</sup> When vacancies happen in either branch of the General Assembly, the Governor, or the person exercising the power of Governor, shall issue writs of election to fill such vacancies.

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

Sec. 14 Each house may punish, by imprisonment, during their Session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly, or contemptuous behaviour in their presence; provided such imprisonment shall not, at any one time, exceed twenty four hours.

Sec. 15 The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the House may require secrecy.

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

Art 16 Bills may originate in either house, but may be altered, amended, or rejected by the other.

Art 17 Every bill shall be read on three different days in each house, unless, in case of urgency, two thirds of the house, when such bill may be depending, shall deem it expedient to dispense with this rule. And every bill, having passed both houses, shall be signed by the president and speaker of their respective houses.

Art 18 The style of the laws of this state shall be, "Be it enacted by the General assembly of the state of Indiana."

Art 19 All bills for raising revenue, shall originate in the house of Representatives, but the senate may amend or reject, as in other bills.

Sec 20 No person, holding any office under the authority of the President of the United States, or of this State, Militia officers excepted, shall be eligible to a seat in either branch of the General Assembly; unless he resigns his office, previous to his election; nor shall any member of either branch of the General Assembly, during the time for which he is elected, be eligible to any office, the appointment of which is vested in the General Assembly: provided that nothing in this Constitution, shall be so construed, as to prevent any member of the first Session of the first General Assembly from accepting any office, that is created by this Constitution, or the Constitution of the United States, and the salaries of which are established.

Sec 21 No money shall be drawn from the Treasury, but in consequence of appropriation made by law.

Sec 22 An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the law, at every annual

session of the General assembly.

Sec 23. The house of Representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in such impeachment.

All impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of a majority of all the senators elected.

Sec 24. The Governor, and all civil officers of the State, shall be removed from office, on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, profit, or trust, under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment.

trial, judgment, and punishment, according to law.

Art 25 The first session of the General Assembly shall commence on the first Monday of November next, and forever after, the General Assembly shall meet on the first Monday in December, in every year, and at no other period, unless directed by law, or provided for by this Constitution.

Art 26 No person, who hereafter may be a collector, or holder of public money, shall have a seat in either house of the General Assembly, until such person shall have accounted for, and paid into the Treasury all sums for which he may be accountable.

# Article IV

Sec 1<sup>st</sup> The Supreme Executive power of this State shall be vested in a Governor, who shall be styled, the Governor of the State of Indiana.

Sec 2<sup>o</sup> The Governor shall be chosen by the qualified electors, on the first Monday in August, at the places where they shall respectively vote for Representatives. The returns of every election for Governor, shall be read up and transmitted to the seat of Government, directed to the Speaker of the house of Representatives, who shall open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be governor, but if two or more shall be equal, and highest in votes, one of them shall be chosen Governor, by the joint vote of the



members of both houses. - Contested elections shall be determined by a committee, to be selected from both houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Sec 3. The Governor shall hold his office during three years, from and after the third day of the first session of the General Assembly, next ensuing his election, and until a successor shall be chosen and qualified, and shall not be capable of holding it longer than six years in any term of nine years.

Sec 4 He shall be at least thirty years of age, and shall have been a citizen of the United States ten years, and have resided in the State five years next preceding his Election; unless he shall have been absent on the business of the State, or of the United States; provided that this shall not disqualify any person from the office of Governor, who shall be a citizen of the United States, and shall have

resided in the Indiana Territory two years next preceeding the adoption  
of this Constitution

Section 5 No member of Congress, or person holding any office under the United States, or  
this State, shall exercise the office of Governor, or Lieutenant Governor.

Section 6 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.

Section 7 He shall be commander in chief of the Army and Navy of this State and  
of the Militia thereof, except when they shall be called into the service  
of the United States, but he shall not command personally in the field,  
unless he shall be advised so to do, by a resolution of the General Assembly.

Section 8 He shall nominate, and, by and with the advice and consent of the Senate,  
appoint and commission all officers, the appointment of which is not other-  
wise directed by this Constitution, and all officers which may be created

by the General Assembly, shall be filled in such manner as may be

directed by law.

Section 9<sup>th</sup> Vacancies that may happen in offices, the appointment of which is vested in the ~~Governor~~ and Senate, or in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting Commissions that shall expire at the end of the next Session.

Section 10 He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachments.

Section 11 He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Section 12 He shall, from time to time, give to the General Assembly information of the affairs of the State, and recommend to their consideration, such measures as he shall deem expedient.

Sect 13 He may, in extraordinary occasions, convene the General Assembly at the seat of Government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorder, and in case of a disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the time of their next annual Session.

Sect 14 He shall take care that the laws be faithfully executed.

Sect 15 A Lieutenant Governor shall be chosen at every election for Governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor, and Lieutenant Governor, the electors shall distinguish whom they vote for as Governor, and whom, as Lieutenant Governor.

Sect 16 He shall, by virtue of his office, be President of the senate, have a right, when in committee of the whole, to debate and vote on all

Subjects, and when the senate are equally divided, to give the casting vote.

Section 17 In case of impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor, until another be duly qualified, or the Governor absent, or impeached, shall return, or be acquitted.

Section 18 Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the senate, the senate shall elect one of their own members as president for that occasion. And if during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the State, the President of the senate pro tempore, shall in like manner administer the Government, until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant

Governor, while he acts as president of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the house of Representatives and no more; and during the time he administers the Government, as Governor, shall receive the same compensation which the governor would have received, and been entitled to, had he been employed in the duties of his office; and no more.

Sec 19. The President pro tempore of the senate, during the time he administers the Government, shall receive in like manner, the same compensation, which the Governor would have received, had he been employed in the duties of his office, and no more.

Sec 20. If the Lieutenant Governor shall be called upon to administer the Gov-

~~THE~~

Government, and shall, while in such administration, resign, die, or be absent from the State; during the recess of the General Assembly, it shall be the duty of the Secretary of State for the time being, to convene the Senate for the purpose of choosing a president pro tempore.

Sec 21 A Secretary of State shall be chosen by the joint ballot of both houses of the General Assembly, and be commissioned by the Governor for four years, or until a new secretary be chosen and qualified. He shall keep a fair register, and attest all the official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes, and vouchers relative thereto, before either house of the General Assembly, and shall perform such other duties as may be enjoined him by law.

Sec 22 Every bill, which shall have passed both houses of the General Assembly, shall be presented to the Governor: if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it

have originated, who shall enter the objections at large upon their Journals, and proceed to reconsider it; if after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall like wise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law: but, in such cases, the votes of both houses shall be determined by yeas and nays, and the names of of the persons voting for, and against the bill, shall be entered on the Journals of each house respectively. If any bill shall not be returned by the Governor, within five days (Sundays excepted) after it shall have been presented to him, it shall be a law, in like manner as if he had signed it: unless the General adjournment prevents its return, in which case it shall be a law,



unless sent back within three days after their next meeting.

Act 23

Every resolution, to which the concurrence of both houses may be necessary, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Act 24

There shall be elected, by joint ballot of both houses of the General Assembly, a Treasurer, and Auditor, whose powers and duties shall be prescribed by law, and who shall hold their offices three years, and until their successors be appointed and qualified.

Act 25

There shall be elected in each County, by the qualified electors thereof, one Sheriff, and one Coroner, at the times and places of holding elections for members of the General Assembly. They shall continue in office two years, and until successors shall be chosen and duly qualified.

provided that no person shall be eligible to the office of Sheriff  
more than four years in any term of six years.

Sec. 26 There shall be a seal of this State, which shall be kept  
by the Governor and <sup>used</sup> ~~sealed~~ by him officially, and shall be  
called, the seal of the State of Indiana.

# Article V

Sec 1. The Judiciary power of this State, both as to matters of law and equity, shall be vested in one Supreme Court, in Circuit Courts, and in such other inferior Courts, as the General Assembly may, from time to time, direct and establish.

Sec 2. The Supreme Court shall consist of three Judges, any two of whom shall form a quorum, and shall have appellate Jurisdiction only which shall be coextensive with the limits of the State, under such restrictions, and regulations, not repugnant to this Constitution, as may from time to time be presented by law. Provided nothing in this article shall be so construed, as to prevent the General Assembly from

giving the Supreme Court, Original Jurisdiction in Capital cases,  
and cases in Chancery, where the President of the Circuit Court, may be  
interested or prejudiced.

Sec 3. The Circuit Courts shall each consist of a President, and two  
Associate Judges. The State shall be divided by law, into three Circuits,  
for each of which, a President shall be appointed, who during his con-  
tinuance in office, shall reside therein. The President and Associate  
Judges in their respective Counties, shall have Common Law and Chancery  
Jurisdiction, as also complete Criminal Jurisdiction, in all such cases,  
and in such manner, as may be prescribed by law. The President  
alone in the absence of the Associate Judges, or the President  
and one of the Associate Judges, in the absence of the other,

shall be competent to hold a Court, as also the two associate  
Judges, in the absence of the <sup>or</sup> President, shall be competent  
to hold a Court, except in capital cases, and cases in Chancery, provided  
that nothing herein contained, shall prevent the General Assembly from  
increasing the number of Circuits, and Presidents, as the exigencies of  
the State may from time to time require.

Sec 4 The Judges of the supreme Court, the Circuit, and other inferior  
Courts, shall hold their offices during the term of seven years, if  
they shall so long behave well, and shall at stated times receive  
for their services, a compensation which shall not be diminished,  
during their continuance in office.

Sec 5 The Judges of the supreme Court shall by virtue of their offices,  
be conservators of the peace throughout the State, as also the

Presidents of the Circuit Courts, in their respective Counties, and  
the Associate Judges in their respective Counties.

Sec 6<sup>th</sup> The Supreme Court shall hold its sessions at the seat of Government,  
at such times as shall be prescribed by law: and the Circuit  
Courts shall be held in the respective Counties as may  
be directed by law.

Sec 7<sup>th</sup> The Judges of the Supreme Court shall be appointed by the  
Governor, by and with the advice, and consent of the Senate.  
The Presidents of the Circuit Courts shall be appointed by  
Joint Ballot of both branches of the General Assembly,  
and the Associate Judges of the Circuit Courts, shall be  
elected by the qualified electors in the respective Counties.

Sec 8 The Supreme Court shall appoint its own Clerk, and the Clerks  
of the Circuit Court, in the several Counties, shall be elected

by the qualified electors, in the several Counties, but no person shall be eligible to the office of Clerk of the Circuit Court in any County, unless he shall first have obtained, from one or more of the Judges of the Supreme Court, or from one or more of the Presidents of the Circuit Courts, a certificate that he is qualified to execute the duties of the office of Clerk of the Circuit Court; provided that nothing herein contained shall prevent the Circuit Courts in each County, from appointing a Clerk pro tem, until a qualified Clerk may be duly elected, and provided also, that the said Clerks, respectively when qualified, and elected, shall hold their offices seven years, and no longer, unless reappointed.

Sec 9 All Clerks shall be removable by impeachment as in other cases.

Sec 10 When any vacancies happen in any of the Counties occasioned by the death, resignation, or removal from office of any Judge,

of the Supreme, or Circuit Courts, or any of the Clerks of the said Courts, a successor shall be appointed in the same manner, as herein before prescribed, who shall hold his office, for the period which his predecessor had to serve; and no longer unless reappointed.

Sec 11 The style of all process shall be "The State of Indiana" all prosecutions shall be caused <sup>in the name</sup> ~~in~~ and by the authority of the State of Indiana; and all indictments shall conclude, against the peace and dignity of the same.

Sec 12 A competent number of Justices of the peace shall be elected by the qualified electors in each Township, in the several Counties, and shall continue in office five years, if they shall so long behave well, whose powers, and duties shall, from time to time, be regulated and defined by law.



# Article VI.

Sec 1.<sup>d</sup> In all elections, not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty one year and upwards, who has resided in the State, one year immediately preceding such election, shall be entitled to vote in the County where he resides; except such as shall be enlisted in the armies of the United States or their allies.

Sec 2.<sup>d</sup> All elections shall be by ballot; provided that the General Assembly may, if they deem it more expedient at their Session in eighteen hundred and twenty one, change the mode so as to vote viva voce, after which time it shall remain unalterable.

Sec 3.<sup>d</sup> Electors shall in all cases, except treason, felony, or breach of the peace,

be free from arrest, in going to, during their attendance at, and in  
returning home from elections.

Sec 4<sup>th</sup> The General Assembly shall have full power to exclude from electing,  
or being elected, any person convicted of any infamous crime.

Sec 5<sup>th</sup> Nothing in this article shall be so construed, as to prevent citizens  
of the United States, who were actual residents at the time  
of adopting this constitution, and who, by the existing laws of  
this Territory, are entitled to vote or persons, who have been absent  
from home on a visit, or necessary business, from the privilege  
of ~~voting~~ electors.

# Article VII

SECT 1<sup>st</sup> The Militia of the State of Indiana shall consist of all free able bodied male persons; Negroes, Mulattoes and Indians, excepted, resident in the said State, between the ages of eighteen, and forty five years, except such persons as now are, or hereafter may be exempted by the laws of the United States, or of this State; and shall be armed, equipped, and trained, as the general Assembly may provide by law.

SECT 2<sup>d</sup> No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do Militia duty; provided such person or persons shall pay an equivalent for such exemption; which equivalent shall be collected annually, by a civil officer, and be hereafter fixed by law, and shall be equal as near as may be, to the lowest fines assessed on those privates in the Militia, who may neglect or

refuse to perform militia duty.

Sec 3. Captains and subalterns shall be elected by those persons in their respective Company districts, who are subject to perform militia duty, and the captain of each Company shall appoint the non-commissioned officers to said Company.

Sec 4. Majors shall be elected by those persons within the bounds of their respective Battalion districts, subject to perform militia duty, and Colonels shall be elected by those persons within the bounds of their respective Regimental districts, subject to perform militia duty.

Sec 5. Brigadier Generals shall be elected by the commissioned officers within the bounds of their respective brigades, and Major Generals shall be elected by the commissioned officers within the bounds of their respective Divisions.

Act 6 Troops and squadrons of Cavalry, and companies of Artillery, riflemen, grenadiers, or light infantry, may be formed in the said State, in such manner as shall be prescribed by law: provided however, that every <sup>troop</sup> or squadron of Cavalry, Company of Artillery, riflemen, grenadier, or light infantry, which may hereafter be formed within the said State, shall elect their own officers.

Act 7<sup>th</sup> The Governor shall appoint the adjutant general, and quarter master general, as also his aids de camp.

Act 8 Major Generals shall appoint their aids de camp, and all other divisions Staff officers; Brigadier Generals shall appoint their Brigade Major, and all other Brigade Staff officers; and Colonels shall appoint their Regimental Staff officers.

Act 9 All military officers shall be commissioned by the Governor, and shall hold their commissions during good behaviour, or until they arrive at the age of sixty years.

Sect 10 The General Assembly shall, by law, fix the method of dividing  
the militia of the said State, into Divisions, Brigades,  
Regiments, Battalions, and Companies, and shall also  
fix the ranks of all staff officers.

## Article VIII

Act 1<sup>st</sup>

Every twelfth year, after this constitution shall have taken effect, at the general election held for Governor there shall be a poll opened, in which the qualified Electors of the State shall express, by vote, whether they are in favour of calling a convention, or not, and if there should be a majority of all the votes given at such election, in favour of a convention, the Governor shall inform the next General Assembly thereof, whose duty it shall be to provide, by law, for the election of the members to the convention, the number thereof, and the time and place of their meeting; which law shall not be passed unless agreed to by a majority of all the members elected to both branches of the General Assembly, and which convention, when met, shall

have it in their power to revise, amend, or change the the consti-  
tution. But, as the holding any part of the human creation  
in slavery, or in involuntary servitude, can only originate in  
usurpation and tyranny, no alteration of this constitution  
shall ever take place so as to introduce slavery or involuntary  
servitude in this State, otherwise than for the punishment  
of crimes, whereof the party shall have been duly convicted.



# Article IX.

Sec 1<sup>st</sup> Knowledge and Learning generally diffused, through a community, being essential to the preservation of a free Government, and spreading the opportunities, and advantages of education through the various parts of the Country, being highly conducive to this end, it shall be the duty of the General Assembly to provide, by law, for the improvement of such lands as are, or hereafter may be granted, by the United States to this State, for the use of schools, and to apply any funds which may be raised from such lands, or from any other quarter to the accomplishment of the grand object for which they are or may be intended. But no land granted for the use of schools or seminaries of learning shall be sold by authority of this State, prior to the year Eighteen hundred and twenty; and the moneys which may be raised out of the sale of any such lands,

or otherwise obtained for the purposes aforesaid, shall be and remain a fund for the exclusive purpose of promoting the interest of Literature, and the science, and for the support of seminaries and public schools. The General Assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, Scientific, and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, Commerce, Manufacturing, and Natural History; and to countenance and encourage the principles of Humanity, honesty, industry, and morality.

Sect 2. It shall be the duty of the General Assembly, as soon as circumstances will permit, to provide, by law, for a general system of education, ascending in a regular gradation, from township schools to a state university, wherein tuition shall be gratis, and equally open to all

Sect 3. And for the promotion of such salutary end, the money which shall be

paid, as an equivalent, by persons exempt from military duty except,  
in times of war, shall be exclusively, and in equal proportion, applied  
to the support of County seminaries; also all fines assessed for any  
breach of the penal laws, shall be applied to said seminaries,  
in the Counties when in they shall be assessed.

Sec. 4 It shall be the duty of the General Assembly, as soon as circum-  
stances will permit, to form a penal code, founded on the  
principles of reformation, and not of vindictive Justice:  
and also to provide one or more Farms to be an asylum  
for those persons, who by reason of age, infirmity, or other mis-  
fortunes, may have a claim upon the aid and beneficence of  
society; on such principles, that such persons may therein find  
employment, - and every reasonable comfort and ease, by their  
usefulness, the degrading sense of dependence.

Sec 5 The General Assembly, at the time they lay off a new County, shall cause, at least, ten percent to be reserved out of the proceeds of the sale of town lots, in the seat of Justice of such County, for the use of a public library for such County, and, at the same Session, they shall incorporate a library Company, under such rules and regulations as will best secure its permanency and extend its benefits.

# Article X.

Sec 1<sup>st</sup> There shall not be established or incorporated, in this state, any Bank or Banking Company or monied institution, for the purpose of issuing bills of Credit, or bills payable to order or bearer; Provided that nothing herein contained shall be so construed as to prevent the General Assembly from establishing a State Bank, and branches, not exceeding one branch for any three counties, and be established at such place, within such counties, as the directors of the State Bank may select; provided there be subscribed, and paid in specie, on the part of individuals, a sum equal to thirty thousand Dollars: provided also, that the Bank at Vincennes, and the Farmers and Mechanics Bank of Indiana, at Madison, shall be considered as incorporated Banks, according to the true tenor of the Charters granted to said Banks, by the Legislature of the Indiana Territory;

provided that nothing herein contained shall be so construed, as to prevent the General Assembly from adopting either of the aforesaid Banks as the State Bank; and in case either of them shall be adopted as the state Bank, the other may become a branch, under the rules and regulations herein before prescribed.

# Article XI

§ 1<sup>st</sup> Every person who shall be chosen, or appointed to any office of trust or profit, under the authority of this State, shall, before entering on the duties of said office, take an oath or affirmation, before any person lawfully authorized to administer oaths, to support the Constitution of the United States, and the constitution of this State, and also an oath of office. —

§ 2<sup>d</sup> Treason against this State, shall consist only in levying war against it, in adhering to its enemies, or giving them aid and comfort. —

§ 3 No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court. —

§ 4<sup>th</sup> The manner of administering an oath, or affirmation, shall be such as is most consistent with the conscience of the deponent, and shall be esteemed the most solemn appeal to God. —

§ 5<sup>th</sup> Every person shall be disqualified from serving as Governor, Lieutenant

Governor, Senator, or Representative, for the term for which he shall have been elected, who shall have been convicted of having given, or offered, any bribe, treat, or reward to procure his election. —

5<sup>th</sup> All officers shall reside within the state; and all District, county, or town officers, within their respective Districts, counties or towns, (the trustees of the town of Clarksville excepted) and shall keep their respective offices, at such places therein, as may be directed by law; and all Militia officers shall reside within the bounds of the division, Brigade, Regiment, Battalion or company to which they may severally belong. —

6<sup>th</sup> There shall be neither Slavery, nor involuntary servitude in this ~~State~~ State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; Nor shall any indenture of any negro or Mulatto hereafter made, and executed out of the bounds of this State be of any Validity within the State. —



- §8 No act of the General assembly shall be in force until it shall have been published in print, unless in cases of emergency. —
- §9<sup>th</sup> All commissions shall be in the name, and by the authority of the State of Indiana; and sealed with the State seal, and signed by the Governor, and attested by the secretary of State. —
- §10<sup>th</sup> There shall be elected in each county a Recorder, who shall hold his office during the term of seven years, if he shall so long behave well; provided that nothing herein contained shall prevent the clerks of the circuit courts from holding the office of recorder. —
- §11<sup>th</sup> Corydon in Harrison County shall be the seat of Government of the State of Indiana, until the year eighteen hundred and twenty five, and until removed by law. —
- §12 The General Assembly, when they lay off any new county, shall not reduce the old county, or counties, from which the same shall be taken to a less content than four hundred square miles. —

§13 No person shall hold more than one lucrative office at the same time, except as in this constitution is expressly permitted. —

§14 No person shall be appointed as a county officer, within any county, who shall not have been a citizen and an inhabitant therein one year next preceding his appointment; if the county shall have been so long erected, but if the county shall not have been so long erected, then within the limits of the county or counties, out of which it shall have been taken —

§15 All town, and township officers, shall be appointed in such manner as shall be directed by law. —

§16. The following officers of Government shall not be allowed greater annual <sup>salaries</sup> until the year eighteen hundred and nineteen than as follows. The Governor one thousand dollars, The Secretary of State four hundred dollars, The Auditor of public accounts four hundred dollars, The Treasurer four hundred dollars

The Judges of the Supreme court eight hundred dollars each. The Presidents of the Circuit Courts eight hundred dollars each, and the Members of the General assembly, not exceeding two dollars per day each, during their attendance on the same, and two dollars for every twenty five miles, they shall severally travel on the most usual route, in going to, and returning from the General assembly; after which time their pay shall be regulated by law. But no law, passed to increase the pay of the members of the General assembly, shall take effect, until after the close of the Session at which such law shall have been passed.

§17

In order that the boundaries of the State of Indiana may more certainly be known, <sup>as established</sup> it is hereby ordained and declared, that the following shall be, and forever remain, the boundaries of the said State; to wit, 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 river Wabash; 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 the said Wabash River; and from 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 the 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 —

## Article XII

Sec 1<sup>st</sup>.

That no evils or inconveniences may arise from the change of a Territorial Government to a permanent State Government, it is declared by this Convention that all rights, suits, actions, prosecutions, recognizances, contracts, and claims, both as it respects individuals and bodies corporate, shall continue as if no change had taken in this Government.

Sec 2<sup>d</sup>.

All fines, penalties, and forfeitures, due, and owing to the Territory of Indiana or any County therein, shall inure to the use of the State or County. All bonds executed to the Governor, or any other officer in his official capacity in the Territory, shall pass over to the Governor or other officers of the State or County, and their successors in office, for the use of the State or County, or by him or them to be respectively assigned over to the use of those concerned as the case may be.

Sec 3<sup>d</sup>.

The Governor, Secretary, and Judges, and all other officers both civil and military, under the Territorial Government, shall continue in

The exercise of the duties of their respective departments, until the said offices are superseded under the authority of this constitution.

Sec 4. All laws and parts of laws now in force in this Territory, not inconsistent with this constitution, shall continue and remain in full force and effect, until they expire or be repealed.

Sec 5. The Governor shall use his private seal, until a state seal be procured.

Sec 6. The Governor, Secretary of State, Auditor of public accounts, and Treasurer shall severally reside and keep all the public records, books and papers in any manner relating to their respective offices, at the seat of Government; provided not withstanding that nothing herein contained shall be so construed, as to affect the residence of the Governor for the space of six months, and until buildings suitable for his accommodation shall be procured at the expense of the State.

Sec 7. All suits, pleas, plaints and other proceedings now depending in any Court of record or Justice Courts shall be prosecuted to final Judgment and execution, and all appeals, writs of error,

certiorari, injunction or other proceedings whatsoever, shall progress  
and be carried on in the respective Court or Courts, in the same  
manner as is now provided by law, and all proceedings had therein  
in as full and complete a manner as if this Constitution  
were not adopted. And Appeals and writs of error may be  
taken from the Circuit Court, and General Court, now established  
in the Indiana Territory, to the Supreme Court, in such manner  
as shall be provided for by law

Sec 8. The President of this Convention shall issue writs of election,  
directed to the several Sheriffs of the several Counties, requiring them  
to cause an election to be held for a Governor, Lieutenant Governor,  
a Representative to the Congress of the United States, Members of  
the General Assembly, Sheriffs, and Coroners, at the respective

election districts in each County on the first Monday  
in August next: which election shall be conducted in the  
manner prescribed by the existing election laws of the Indiana Territory;  
and the said Governor, Lieutenant Governor, members of the  
General Assembly, Sheriff, and Coroner, then duly elected, shall  
continue to exercise the duties of their respective offices for the  
time prescribed by this Constitution, and until their successors  
or successors are qualified, and no longer.

Sec<sup>9</sup>.<sup>th</sup> Until the first enumeration shall be made, and direct  
ed by this Constitution, the County of Wayne shall be entitled  
to one senator, and three Representatives; the County of Franklin,  
one senator, and three Representatives; the County of Dearborn, one  
senator, and two Representatives; the County of Switzerland one  
Representative, and the County of Jefferson and Switzerland



one senator and the County of Jefferson two Representatives;  
The County of Clark one senator, and three Representatives;  
The County of Harrison one senator, and three Representatives;  
The Counties of Washington, Orange, and Jackson one senator  
and the County of Washington two Representatives; the Counties  
of Orange and Jackson one Representative each; the County  
of Knox one senator, and three Representatives; the County of  
L Gibson one senator, and two Representatives; the Counties of  
Posey, Warrick and Perry one senator, and each of the  
aforesaid Counties of Posey, Warrick, and Perry, one  
Representative.

Act 10 All books, records, documents, warrants and papers, appertaining  
and belonging to the office of the Territorial Treasurer of the

Indiana Territory; and all monies there in, and all papers and documents  
in the office of the Secretary of said Territory, shall be disposed of  
as the General Assembly of this State may direct

Sec 11.<sup>th</sup> All suits, actions, pleas, plaints, prosecutions, and causes whatsoever,  
and all records, Books, papers, and documents now in the General  
Court, may be transferred to the supreme Court established by this  
Constitution. And all causes, suits, actions, pleas, plaints, and prosecutions  
whatssoever, now existing or pending in the Circuit Courts of this Territory,  
or which may be then in at the change of Government, and all records,  
book, papers and documents relating to the said suits, or filed in the  
said Courts, may be transferred over to the Circuit Courts established by  
this Constitution, under such rules and regulations, as the General  
Assembly may direct

Done in Convention at Cowdon, on the twenty ninth  
day of June in the year of our Lord eighteen hundred  
and sixteen, and of the Independence of the United  
States the fortieth.

In witness whereof we have hereunto  
subscribed our names.

Jonathan Simings  
President of the Convention and  
Delegate from the County of Clark

Thomas (son  
John H. Goddard)

Delegates in Convention  
from the County of Clark.

James Junior

James Die

John Smith

James Die

John Smith

James Die  
John Smith  
John Smith

Delegates in Convention  
from the County of Thomas

James Die

John Smith

James Die

John Smith

James Die

John Smith

James Die

John Smith

James Die

John Smith

James Die

John Smith

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Delegates in Convention  
from the County of Clark.

Walter Hurst

David H. Harwell

Samuel Smock

Delegates in convention  
from the county of Jefferson.

John Radottet

John Benefil

M<sup>r</sup>. Johnson

Wm. Polke

Delegates in convention  
from the county of Knox.

A. Parke

Charles Polke) Delegate from the county of Perry

Dann Lynn) Delegate from the county of Posey.

William Cotton) Delegate from the county of Switzerland

John D. Purns

William Graham

William Loring

Samuel Mitroy

Robert M. Tuttle

Patrick Beard

Jeremiah Cox

Hugh Bull

Joseph Holman

Attest

William Hendricks

Secy. 

