

SECOND CONSTITUTION OF KENTUCKY.

(1799)

We, the representatives of the people of the State of Kentucky, in convention assembled, to secure to all the citizens thereof the enjoyment of the right of life, liberty, and property, and of pursuing happiness, do ordain and establish this Constitution for its government.

ARTICLE I.

Concerning the Distribution of the Powers of the Government.

§ 1. The powers of government of the State of Kentucky shall be divided into three distinct departments, and each of them be confined 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.

§ 2. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE II.

Concerning the Legislative Department.

§ 1. The legislative power of this Commonwealth shall be vested in two distinct branches; the one to be styled the House of Representatives, the other the Senate, and both together the General Assembly of the Commonwealth of Kentucky.

§ 2. The members of the House of Representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

§ 3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the

same for three days, at the request of any one of the candidates.

§ 4. No person shall be a Representative, who at the time of his election is not a citizen of the United States, and hath not attained the age of twenty-four years, and resided in this State two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

§ 5. Elections for Representatives for the several counties entitled to representation shall be held at the places of holding their respective courts, or in the several election precincts into which the Legislature may think proper, from time to time, to divide any or all of those counties: *Provided*, That when it shall appear to the Legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may, from time to time, be fixed by law; and thereafter elections for the county in which such town is situated shall not be held therein.

§ 6. Representation shall be equal and uniform in this Commonwealth, and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the State, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of Representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight nor more than one hundred; and they shall be appointed for the four years next following, as near as may

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be, among the several counties and towns in proportion to the number of qualified electors; but when a county may not have a sufficient number of qualified electors to entitle it to one Representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county, would entitle it to a separate representation, it shall then be in the power of the Legislature to join two or more together for the purpose of sending a Representative: *Provided*, That when there are two or more counties adjoining which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one Representative shall be added to that county having the largest residuum.

§ 7. The House of Representatives shall choose its Speaker and other officers.

§ 8. In all elections for Representatives, every free male citizen (negroes, mulattoes, and Indians excepted), who at the time being, hath attained to the age of twenty-one years, and resided in the State two years, or the county or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided. Electors shall in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest during their attendance at, going to, and returning from elections.

§ 9. The members of the Senate shall be chosen for the term of four years; and when assembled, shall have the power to choose its officers annually.

§ 10. At the first session of the General Assembly after the Constitution takes effect, the Senators shall be divided by lot, as equally as may be, into four classes. The seats of the Senators of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one-fourth shall be

chosen every year, and a rotation thereby kept up perpetually.

§ 11. The Senate shall consist of twenty-four members at least, and for every three members above fifty-eight which shall be added to the House of Representatives, one member shall be added to the Senate.

§ 12. The same number of senatorial districts shall, from time to time, be established by the Legislature, as there may then be Senators allotted to the State; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each above the age of twenty-one years, and so that no county shall be divided or form more than one district; and where two or more counties compose a district, they shall be adjoining.

§ 13. When an additional Senator may be added to the Senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in numbers as possible.

§ 14. One Senator for each district shall be elected by those qualified to vote for Representatives therein, who shall give their votes at the several places in the counties or towns where elections are by law directed to be held.

§ 15. No person shall be a Senator, who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of thirty-five years, and resided in this State six years next preceding his election, and the last year thereof in the district for which he may be choseh.

§ 16. The first election for Senators shall be general throughout the State, and at the same time that the general election for representatives is held; and thereafter, there shall, in like manner, be an annual election for Senators to fill the places of those whose time of service may have expired.

§ 17. The General Assembly shall convene on the first Monday in the month of November in every year, unless a different day be appointed by law; and their sessions shall be held at the Seat of Government.

§ 18. Not less than a majority of the members of each House of the General Assembly shall constitute a quorum to do business; but a smaller number may

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adjourn from day to day, and shall be authorized by law to compel the attendance of absent members, in such manner, and under such penalties, as may be prescribed thereby.

§ 19. Each House of the General Assembly shall judge of the qualifications, elections, and returns of its members; but a contested election shall be determined in such manner as shall be directed by law.

§ 20. Each House of the General Assembly may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

§ 21. Each House of the General Assembly shall keep and publish, weekly, a journal of its proceedings; and the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on their journal.

§ 22. Neither House during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

§ 23. The members of the General Assembly shall severally receive, from the public treasury, a compensation for their services, which shall be one dollar and a half a day, during their attendance on, going to, and returning from the sessions of their respective Houses: *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

§ 24. The members of the General Assembly shall, in all cases, except treason, felony, breach or surety of the peace, be privileged from arrest, during their attendance at the sessions 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.

§ 25. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under

this Commonwealth, which shall have been created, or the emoluments of which shall have been increased during the time such Senator or Representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

§ 26. No person, while he continues to exercise the functions of a clergyman, priest, or teacher of any religious persuasion, society or sect, nor whilst he holds or exercises any office of profit under this Commonwealth, shall be eligible to the General Assembly, except attorneys at law, justices of the peace, and militia officers: *Provided*, That justices of the courts of quarter sessions shall be ineligible, so long as any compensation may be allowed them for their services: *Provided also*, That attorneys for the Commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

§ 27. No person, who at any time may have been a collector of taxes for the State, or the assistant or deputy of such collector, shall be eligible to the General Assembly until he shall have obtained a *quietus* for the amount of such collection, and for all public moneys for which he may be responsible.

§ 28. No bill shall have the force of a law, until, on three several days, it be read over in each House of the General Assembly, and free discussion allowed thereon; unless, in cases of urgency, four-fifths of the House where the bill shall be depending, may deem it expedient to dispense with this rule.

§ 29. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose amendments, as in other bills: *Provided*, That they shall not introduce any new matter, under the color of an amendment, which does not relate to raising a revenue.

§ 30. The General Assembly shall regulate, by law, by whom and in what manner writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

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ARTICLE III.

Concerning the Executive Department.

§ 1. The supreme executive power of the Commonwealth shall be vested in a chief magistrate, who shall be styled the Governor of the Commonwealth of Kentucky.

§ 2. The Governor shall be elected for the term of four years, by the citizens entitled to suffrage, at the time and places where they shall respectively vote for Representatives. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the Legislature may direct.

§ 3. The Governor shall be ineligible for the succeeding seven years after the expiration of the time for which he shall have been elected.

§ 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this State at least six years next preceding his election.

§ 5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this Constitution.

§ 6. No member of Congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of Governor.

§ 7. 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.

§ 8. He shall be commander-in-chief of the army and navy of this Commonwealth, 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 be advised so to do by a resolution of the General Assembly.

§ 9. He shall nominate, and by and with the advice and consent of the Senate, appoint all officers, whose offices are established by this Constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: *Provided*, That no person shall be so appointed to an office, within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties from which it shall have been taken: *Provided, also*, That the county courts shall be authorized by law to appoint inspectors, collectors, and their deputies, surveyors of the highways, constables, jailers, and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

§ 10. The Governor shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

§ 11. He shall have power to remit fines and forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested.

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

§ 13. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he shall deem expedient.

§ 14. He may, on extraordinary occasions, convene the General Assembly at the Seat of Government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

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§ 15. He shall take care that the laws be faithfully executed.

§ 16. A Lieutenant-Governor shall be chosen at every election for a Governor, in the same manner, continue in office for the same time, 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.

§ 17. He shall, by virtue of his office, be Speaker 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.

§ 18. In case of the 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.

§ 19. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as Speaker of the Senate, the Senators shall elect one of their own members as Speaker 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 Speaker of the Senate shall, in like manner, administer the government.

§ 20. The Lieutenant-Governor, while he acts as Speaker to 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.

§ 21. The Speaker *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.

§ 22. If the Lieutenant-Governor shall be called upon to administer 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 for the time being to convene the Senate for the purpose of choosing a Speaker.

§ 23. An Attorney-General, and such other attorneys for the Commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attorneys for the Commonwealth for the several counties shall be appointed by the respective courts having jurisdiction therein.

§ 24. A Secretary shall be appointed and commissioned during the term for which the Governor shall have been elected, if he shall so long behave himself well. 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.

§ 25. Every bill which shall have passed both Houses 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 shall have originated, who shall enter the objections at large upon their journal, 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 likewise be considered, 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 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 Governor within ten 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

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the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

§ 26. Every order, resolution, or vote to which the concurrence of both Houses may be necessary, except on a question of adjournment, 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.

§ 27. Contested elections for a Governor and Lieutenant-Governor 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.

§ 28. The freemen of this Commonwealth (negroes, mulattoes, and Indians excepted) shall be armed and disciplined for its defense. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

§ 29. The commanding officers of the respective regiments shall appoint the regimental staff; brigadier-generals their brigade-majors; major-generals their aids; and captains the non-commissioned officers of companies.

§ 30. A majority of the field officers and captains in each regiment shall nominate the commissioned officers in each company, who shall be commissioned by the Governor: *Provided*, That no nomination shall be made unless two at least of the field officers are present; and when two or more persons have an equal and the highest number of votes, the field officer present who may be highest in commission shall decide the nomination.

§ 31. Sheriffs shall be hereafter appointed in the following manner: When the time of a sheriff for any county may be about to expire, the county court for the same (a majority of all its justices being present) shall, in the months of September, October, or November next preceding thereto, recommend to the Governor two

proper persons to fill the office, who are then justices of the county court; and who shall, in such recommendation, pay a just regard to seniority in office and a regular rotation. One of the persons so recommended shall be commissioned by the Governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county court shall omit, in the months aforesaid, to make such a recommendation, the Governor shall then nominate, and by and with the advice and consent of the Senate, appoint a fit person to fill such office.

ARTICLE IV.

Concerning the Judicial Department.

§ 1. The judicial power of this Commonwealth, both as to matters of law and equity, shall be vested in one Supreme Court, which shall be styled the Court of Appeals, and in such inferior courts as the General Assembly may, from time to time, erect and establish.

§ 2. The Court of Appeals, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may, from time to time, be prescribed by law.

§ 3. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; but for any reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any of them, on the address of two-thirds of each House of the General Assembly: *Provided, however*, That the cause or causes for which such a removal may be required shall be stated at length in such address, and on the journal of each House. They shall, at stated times, receive for their services an adequate compensation, to be fixed by law.

§ 4. The judges shall, by virtue of their office, be conservators of the peace throughout the State. The style of all process shall be "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the Common-

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wealth of Kentucky, and conclude against the peace and dignity of the same.

§ 5. There shall be established in each county, now or which may hereafter be erected within this Commonwealth, a county court.

§ 6. A competent number of justices of the peace shall be appointed in each county; they shall be commissioned during good behavior, but may be removed on conviction of misbehavior in office, or of any infamous crime, or on the address of two-thirds of each House of the General Assembly: *Provided, however,* That the cause or causes for which such removal may be required, shall be stated at length in such address, and on the journal of each House.

§ 7. The number of the justices of the peace to which the several counties in this Commonwealth now established, or which may hereafter be established, ought to be entitled to, shall, from time to time, be regulated by law.

§ 8. When a surveyor, or coroner, or a justice of the peace, shall be needed in any county, the county court for the same, a majority of all its justices concurring therein, shall recommend to the Governor two proper persons to fill the office; one of whom he shall appoint thereto: *Provided, however,* That if the county court shall, for twelve months, omit to make such recommendation, after being requested by the Governor to recommend proper persons, he shall then nominate, and by and with the advice and consent of the Senate, appoint a fit person to fill such office.

§ 9. When a new county shall be erected, a competent number of justices of the peace, a sheriff, and coroner therefor, shall be recommended to the Governor by a majority of all the members of the House of Representatives from the senatorial district or districts in which the county is situated; and if either of the persons thus recommended shall be rejected by the Governor or the Senate, another person shall immediately be recommended as aforesaid.

§ 10. Each court shall appoint its own clerk, who shall hold his office during good behavior; but no person shall be appointed clerk, only *pro tempore*, who shall not pro-

duce to the court appointing him, a certificate from a majority of the judges of the Court of Appeals, that he hath been examined by their clerk, in their presence, and under their direction, and that they judge him to be well qualified to execute the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior by the Court of Appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

§ 11. All commissions shall be in the name and by the authority of the State of Kentucky, and sealed with the State seal, and signed by the Governor.

§ 12. The State Treasurer, and printer or printers for the Commonwealth, shall be appointed annually by the joint vote of both Houses of the General Assembly: *Provided,* That during the recess of the same the Governor shall have power to fill vacancies which may happen in either of the said offices.

ARTICLE V.

Concerning Impeachments.

§ 1. The House of Representatives shall have the sole power of impeaching.

§ 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

§ 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this Commonwealth; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

ARTICLE VI.

General Provisions.

§ 1. Members of the General Assembly, and all officers, executive and judicial, before they enter upon the execution of their

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respective offices, shall take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be), that I will be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my abilities, the office of _____, according to law."

§ 2. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its 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 his own confession in open court.

§ 3. 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 be convicted of having given or offered any bribe or treat to procure his election.

§ 4. Laws shall be made to exclude from office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practices.

§ 5. No money shall be drawn from the Treasury but in pursuance of appropriations made by law, nor shall any appropriations of money for the support of an army be made for a longer time than one year; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

§ 6. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the Commonwealth.

§ 7. 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 by the General Assembly the most solemn appeal to God.

§ 8. All laws which, on the first day of June, one thousand seven hundred and

ninety-two, were in force in the State of Virginia, and which are of a general nature, and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the Legislature of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

§ 9. The compact with the State of Virginia, subject to such alterations as may be made therein agreeably to the mode prescribed by the said compact, shall be considered as part of this Constitution.

§ 10. It shall be the duty of the General Assembly to pass such laws as shall be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

§ 11. All civil officers for the Commonwealth at large shall reside within the State, and all district, county, or town officers within their respective districts, counties, or towns (trustees of towns excepted), and shall keep their respective offices at such places therein as may be required by law; and all militia officers shall reside in the bounds of the division, brigade, regiment, battalion, or company to which they may severally belong.

§ 12. The Attorney-General and other attorneys for this Commonwealth, who receive a fixed annual salary from the public Treasury, judges and clerks of courts, justices of the peace, surveyors of lands, and all commissioned militia officers, shall hold their respective offices during good behavior, and the continuance of their respective courts, under the exceptions contained in this Constitution.

§ 13. Absence on the business of this State, or the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under this Commonwealth, under the exceptions contained in this Constitution.

§ 14. It shall be the duty of the General Assembly to regulate, by law, in what cases, and what deduction from the salaries of

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public officers, shall be made, for neglect of duty in their official capacity.

§ 15. Returns of all elections for Governor, Lieutenant-Governor, and members of the General Assembly, shall be made to the Secretary for the time being.

§ 16. In all elections by the people, and also by the Senate and House of Representatives, jointly or separately, the votes shall be personally and publicly given, *viva voce*.

§ 17. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or either of them, or under any foreign power, shall be eligible as a member of the General Assembly of this Commonwealth, or hold or exercise any office of trust or profit under the same.

§ 18. The General Assembly shall direct, by law, how persons who now are or who may hereafter become securities for public officers, may be relieved or discharged on account of such securityship.

ARTICLE VII.

Concerning Slaves.

§ 1. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a charge to any county in this Commonwealth. They shall have full power to prevent slaves being brought into this State as merchandise. They shall have full power to prevent any slaves being brought into this State from a foreign country, and to prevent those from being brought into this State who have been, since the first day of January, one thousand seven hundred and eighty-nine, or

may hereafter be imported into any of the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provision, to abstain from all injuries to them, extending to life or limb; and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold, for the benefit of their owner or owners.

§ 2. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings in such prosecutions shall be regulated by law, except that the General Assembly shall have no power to deprive them of the privilege of an impartial trial by a petit jury.

ARTICLE VIII.

§ 1. The Seat of Government shall continue in the town of Frankfort until it shall be removed by law: *Provided, however,* That two-thirds of all the members elected to each House of the General Assembly shall concur in the passage of such law.

ARTICLE IX.

Mode of Revising the Constitution.

§ 1. When experience shall point out the necessity of amending this Constitution, and when a majority of all the members elected to each House of the General Assembly shall, within the first twenty days of their stated annual session, concur in passing a law for taking the sense of the good people of this Commonwealth, as to the necessity and expediency of calling a convention, it shall be the duty of the several sheriffs, and other returning officers, at the next general election which shall be held for Representatives, after the passage of such law, to open a poll for, and make a return to the Secretary for the time being, of the names of all those entitled to vote for Representatives who have voted for calling a convention; and if, thereupon, it shall appear that a majority of all the citizens of this State, entitled to vote for Representatives, have voted for a convention, the Gen-

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eral Assembly shall direct that a similar poll shall be opened and taken for the next year; and if, thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for Representatives have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there shall be in the House of Representatives, and no more, to be chosen in the same manner and proportion, at the same places, and the same time, that Representatives are, by citizens entitled to vote for Representatives, and to meet within three months after the said election for the purpose of readopting, amending, or changing this Constitution. But if it shall appear by the vote of either year, as aforesaid, that a majority of all the citizens entitled to vote for Representatives did not vote for a convention, a convention shall not be called.

ARTICLE X.

That the general, great, and essential principles of liberty and free government may be recognized and established: WE DECLARE—

§ 1. That all freemen, when they form a social compact, are equal, and that no man or set of men are entitled to exclusive separate public emoluments or privileges from the community, but in consideration of public services.

§ 2. That all power is inherent of the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

§ 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 any ministry against his consent; that no human authority ought, in any case whatever, to 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.

§ 4. That the civil rights, privileges, or capacities of any citizen shall in nowise be diminished or enlarged on account of his religion.

§ 5. That all elections shall be free and equal.

§ 6. That the ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate.

§ 7. That 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.

§ 8. 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 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.

§ 9. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

§ 10. 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; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

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§ 11. That no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, by leave of the court, for oppression or misdemeanor in office.

§ 12. No person shall, for the same offense, be twice put in jeopardy of his life or limb; nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

§ 13. 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 sale, denial or delay.

§ 14. That no power of suspending laws shall be exercised, unless by the Legislature or its authority.

§ 15. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

§ 16. That all prisoners shall be bailable by sufficient securities, unless for capital offenses, when the proof is evident or presumption great; and 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.

§ 17. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

§ 18. That no *ex post facto* law, nor any law impairing contracts, shall be made.

§ 19. That no person shall be attainted of treason or felony by the Legislature.

§ 20. That no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

§ 21. That the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

§ 22. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes by petition, address, or remonstrance.

§ 23. That the rights of the citizens to bear arms in defense of themselves and the State shall not be questioned.

§ 24. That no standing army shall, in time of peace, be kept up without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

§ 25. 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.

§ 26. That the Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behavior.

§ 27. That emigration from the State shall not be prohibited.

§ 28. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or contrary to this Constitution, shall be void.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the Constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained:

§ 1. That all laws of this Commonwealth, in force at the time of making the said alterations and amendments, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

§ 2. That all officers now filling any office or appointment shall continue in the exer-

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cise of the duties of their respective offices or appointments, for the terms therein expressed, unless by this Constitution it is otherwise directed.

§ 3. The oaths of office herein directed to be taken may be administered by any justice of the peace, until the Legislature shall otherwise direct.

§ 4. The General Assembly, to be held in November next, shall apportion the Representatives and Senators, and lay off the State into Senatorial districts, conformable to the regulations prescribed by this Constitution. In fixing those apportionments, and in establishing those districts, they shall take for their guide the enumeration directed by law to be made in the present year by the commissioners of the tax; and the apportionments thus made shall remain unaltered until the end of the stated annual session of the General Assembly, in the year eighteen hundred and three.

§ 5. In order that no inconvenience may arise from the change made by this Constitution, in the time of holding the general election, it is hereby ordained that the first election for Governor, Lieutenant-Governor, and members of the General Assembly, shall commence on the first Monday in May, in the year eighteen hundred. The persons then elected shall continue in office during their several terms of service prescribed by this Constitution, and until the next general election which shall be held after their said terms shall have respectively expired. The return for the said first election of Governor and Lieutenant-Governor, shall be made to the Secretary within fifteen days from the day of election; who shall, as soon as may be, examine and count the same in the presence of at least two Judges of the Court of Appeals, or district courts, and shall declare who are the persons thereby duly elected, and give them official notice of their election; and if any person shall be equal and highest on the poll, the said Judges and Secretary shall determine the election by lot.

§ 6. This Constitution, except so much thereof as is therein otherwise directed,

shall not be in force until the first day of June, in the year one thousand eight hundred, on which day the whole thereof shall take full and complete effect.

Done in Convention at Frankfort, the seventeenth day of August, one thousand seven hundred and ninety-nine, and of the independence of the United States of America the twenty-fourth.

ALEXANDER S. BULLITT,

*President of Convention and Member
from Jefferson.*

Bourbon.—John Allen, Charles Smith, Robert Wilmot, James Duncan, William Griffith, Nathaniel Rogers.

Bracken.—Philip Buckner.

Campbell.—Thomas Sanford.

Clark.—Robert Clarke, R. Hickman, William Sudduth.

Christian.—Young Ewing.

Fayette.—John Breckinridge, John McDowell, John Bell, H. Harrison, B. Thruston, Walter Carr.

Franklin.—Harry Innis, John Logan.

Fleming.—George Stockton.

Garrard.—William M. Bledsoe.

Green.—Will. Casey.

Harrison.—Henry Coleman, William Elliott Boswell.

Jefferson.—Richard Taylor.

Jessamine.—John Price.

Lincoln.—Wm. Logan, N. Huston.

Logan.—John Bailey, Reuben Ewing.

Mason.—Philemon Thomas, Thomas Marshall, jr., Joshua Baker.

Mercer.—Peter Brunner, John Adair, Thomas Allin, Samuel Taylor.

Madison.—Green Clay, Thomas Clay, Will. Irvine.

Montgomery.—Jilson Payne.

Nelson.—John Rowan, Richard Prather, Nicholas Minor.

Shelby.—Benjamin Logan, Abraham Owen.

Scott.—Wm. Henry, Robert Johnson.

Woodford.—Caleb Wallace, Wm. Steele.

Washington.—Felix Grundy, Robert Abell.

Warren.—Alexander Davidson.