1836 Arkansas Constitution

Arkansas Constitutional Convention

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Constitution of Arkansas.

The people of the Territory of Arkansas, by delegates in convention assembled at Little Rock, on Monday the 16th day of January, A. D. 1836, and of the Independent States of the United States, the twelfth year of the reign of admission into the Union as a State of the United States of America, consisting of the Territory of Arkansas, and by virtue of the Power and grant of the United States of America, in order to frame a constitution and by-laws, for the government of the State of Arkansas, do agree and resolve, that they do ordain and establish the following Constitution for the government thereof.

Article I.

Of Boundaries.

The said and admitted to be, and they are hereby, the boundaries of said State of Arkansas, to wit: The same shall be described by the middle line of the main channel of the Mississippi River, on its parallel of thirty-five degrees North Latitude, measuring from Fort Smith, with the said parallel of latitude to the 4th Meridian from thence to the middle of the main channel of said river, thence to the parallel of thirty degrees North Latitude, thence to the North Meridian from thence to the middle of the main channel of said river, thence to the parallel of thirty degrees North Latitude, thence to the said 4th Meridian.

Article II.

Of Rights.

The general and fundamental principles of liberty and free government are recognized and mutually established in this Constitution.

Sec. 1. That all men are free and equal, and from a social compact are equal and have certain inherent and inalienable rights amongst which are those of property and defending life and liberty, of acquiring, possessing, and protecting property; and the right of new-made improvements, and of pursuing their own happiness.

Sec. 2. That all men are born in the same state, and all free government is founded on equality, and instituted for the purpose of securing, chastity and the blessings of life. For the advancement of these ends, they have, at all times, an unqualified right to reform or to alter their government in such manner as they may think proper.

Sec. 3. That no one man be more powerful than another, nor one man be erected above another by force of laws, according to the dictates of their own consciences, and no common of rights, in any case, be allowed to affect any person or property or to prevent any man in obtaining an education or a license to a trade or profession, nor any laws be made with the object of concurrence. And that no preference shall be given to any religion, sect, or society, or administered in favor of any sect or society.

Sec. 4. That the right of trial by jury in cases of anynature, shall be preserved, and also administration enlarged in favor of the general.

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

Sec. 6. That the right of free speech and free communication.

Sec. 7. That no law shall be made to abridge the freedom of speech or the right of the press. The free communication of information and opinions is one of the most effectual of the means by which we shall be able to preserve the rights and privileges which are the foundation of our happy state.
...
Art. 1. The Supreme Legislature of this State shall consist of a Senate and House of Representatives. The Senate of this State shall be composed of two Members from each County, to be elected by the qualified voters thereof. The House of Representatives shall be composed of Members to be elected in such manner as shall be prescribed by law. The number of Members composing the Senate shall not be less than forty nor more than sixty, and the number of Members composing the House of Representatives shall not be less than eighty nor more than one hundred and twenty. The Senate and House of Representatives shall be elected at the same time and for the same terms. The Senators shall hold their office for six years, and the Representatives shall hold their office for two years. The Senators shall be chosen from the whole State, and Representatives from the several Counties. The Senators shall be chosen at the same time as the Executive Magistrates and Judges of the several Counties, and Representatives at the same time as the other State Officers. The Senators shall meet at the Capitol on the second Monday in January, and the Representatives shall meet at their respective places of election on the second Monday in November, to be held as near the place of meeting as practicable. The Senators and Representatives shall choose one of their number to be Speaker of the House of Representatives. The Senate shall have the sole power of impeachment. The House of Representatives shall have the sole power of impeachment of the Governor, the Judges of the Supreme Court, and all other Officers of the State, whose salaries or emoluments do not exceed five hundred dollars per annum. The Governor may receive such salaries or emoluments as may be prescribed by law.
Judicial Department

Article VI

The judicial power of the State shall be vested in a Supreme Court in County Circuit and in Circuit Courts. The judges of the Supreme Court shall hold their offices during the term of four years, and shall have jurisdiction in all cases where the sum in controversy shall exceed five hundred dollars, and in all cases in equity and admiralty. The Supreme Court shall have power to transfer the records of the Circuit Courts to the State Library, and shall have the power to levy taxes for the support of the Courts of Justice.

The Circuit Courts shall have original jurisdiction in all cases in law or equity where the sum or value in controversy shall exceed five hundred dollars, and in all cases where the right of property in real or personal estate shall be in question. The Circuit Courts shall have power to issue bench warrants in all cases in equity and admiralty. The Circuit Courts shall have power to administer oaths, and to compel the attendance of witnesses who shall be produced by the party seeking to compel their attendance.

The General Assembly shall have power to establish such inferior Courts as they shall think proper, and to vest them with such jurisdiction as they shall think expedient.
Article VII. General Provisions

Avenue.

Establishment of Bank.
Preamble

[Text not legible due to handwriting]

In a Convention at Little Rock in the State of Arkansas,
the nineteenth day of January in the year of our Lord, 1835, and in the sixteenth year
of the Independence of the United States of America.

[Signatures and inscriptions]

John Nelson, President

[Signatures of delegates]

William J. Ball
Robert M. Blythe
Mark Broun
Henry C. Stuart
James Bond
Robert Brown
John B. Caborn
John Clark
James Clarke
J. C. Cummings

[Additional signatures]

[Handwritten notes and inscriptions]

[Handwritten notes and inscriptions]