

CONSTITUTION  
OF THE  
STATE OF ARKANSAS:  
AND  
ORDIANANCES.

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PREAMBLE

We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of Government; for our civil and religious liberty; and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution.

ARTICLE I.

Boundaries

We do declare and establish, ratify, and confirm the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi river on the parallel of thirty six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis river; thence up the main channel of said last named river, to the parallel of thirty six degrees, thirty minutes of north latitude; thence west with the Southern boundary line of the State of Missouri to the South West corner of said last named State; thence to be bounded on the West to the North bank of Red river, as by act of Congress and treaties existing January first 1837, defining the western limits of the territory of Arkansas; and to be bounded across and south of Red river by the boundary line of the State of Texas as far as to the North West corner of the State of Louisiana; thence easterly with the northern boundary line of said last named State to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said last named river, including an island in said river known as "Belle Point Island," and all other land originally

surveyed

and included as a part of the Territory or State of Arkansas to the thirty sixth degree of north latitude,

the place of beginning.

Seat Of Government

The seat of government of the state of Arkansas shall be and remain at Little Rock, where it is now established.

ARTICLE II.

Declaration Of Rights

Section I. All political power is inherent in the people, and government is instituted for their protection, security

and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think

proper:

Sec. 2. All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are

those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing

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their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 3. The equality of all persons before the law, is recognized and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race color or previous condition.

Sec. 4. The right of the people peaceably to assemble to consult for the common good; and to petition, by address or remonstrance, the government, or any department thereof, shall never be abridged.

Sec. 5. The citizens of this State shall have the right to keep and bear arms for their common defense.

Sec.6. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being

responsible for the abuse of such right. In all criminal prosecutions for libel, the truth may be given in evidence

to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with

good motives and for justifiable ends, the party charged shall be acquitted.

Sec. 7. The right of trial by jury shall remain inviolate and shall extend to all cases at law, without regard to the

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Sec. 11. The privilege of the writ of habeas corpus shall not be suspended; except by the General Assembly, in case of rebellion, insurrection, or invasion, when the public safety may require it.

Sec. 12. No power of suspending or setting aside the law or laws of the State, shall ever be exercised, except by the General Assembly.

Sec. 13. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely and without denial; promptly and without delay; conformably to the laws.

Sec. 14. Treason against the State shall only consist in levying and making war against the same, 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 on confession in open court.

Sec. 15. The right of the people of this State to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

Sec. 16. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Sec. 17. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

Sec. 18. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

Sec. 19. Perpetuities and monopolies are contrary to the genius of a republic and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this State.

Sec. 20. No distinction shall ever be made by law, between resident aliens and citizens in regard to the possession, enjoyment, or descent of property.

Sec. 21. No person shall be taken or imprisoned, or dispossessed of his estate freehold, liberties or privileges, or outlawed, or

in any manner destroyed, or deprived of his life, liberty, or property, except by the judgment of his peers, or the law of the land;

nor shall any person, under any circumstances, be exiled from the State.

Sec. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be

taken, appropriated or damaged for public use, without just compensation therefor.

Sec. 23. The State's ancient right of eminent domain and of taxation, is herein fully and expressly conceded; and the General

Assembly may delegate the taxing power, with the necessary restriction, to the state's subordinate political and municipal

corporations, to the extent of providing for their existence, maintenance and well being, but no further.

Sec. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their

own consciences; no man can, of right, be compelled to attend, erect, or support any place of worship; or to maintain

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any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the

right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship, above any other.

Sec. 25. Religion, morality and knowledge being essential to good government, the General Assembly shall enact suitable laws

to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 26. No religious test shall ever be required of any person as a qualification to vote or hold office; nor shall any person

be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to

dispense with oaths or affirmations.

Sec. 27. There shall be no slavery in this State, nor involuntary servitude, except as a punishment for crime. No standing

army shall be kept in time of peace; the military shall, at all times, be in strict subordination to the civil power;

and no Soldier shall be quartered in any house, or on any premises, without the consent of the owner, in time of peace;

nor in time of war, except in a manner prescribed by law.

Sec. 28. All lands in this State are declared to be allodial; and feudal tenures of every description, with all their

incidents, are prohibited.

Sec. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government; and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

### ARTICLE III.

#### Franchise and Elections.

Sec. 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty one years, who has resided in the State twelve months, and in the county six months, and in the voting precinct or ward one month, next preceding any election, where he may propose to vote, shall be entitled to vote at all elections by the people.

Sec. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted, whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the Commission of a felony at common law, upon lawful conviction thereof.

Sec. 3. All elections by the people shall be by ballot. Every ballot shall be numbered in the order in which it shall be received and the number recorded by the election officers, on the list of voters opposite the name of the elector who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as

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witnesses in a judicial proceeding, or a proceeding to contest an election.

Sec. 4. Electors shall, in all cases (except treason, felony and breach of the peace), be privileged from arrest during their attendance at elections, and going to and from the same.

Sec. 5. No idiot or insane person shall be entitled to the privileges of an elector.

Sec. 6. Any person who shall be convicted of fraud, bribery, or other wilful and corrupt violation of any election law of this State, shall be adjudged guilty of a felony, and disqualified from holding any office of

trust, or profit in this State.

Sec. 7. No soldier, sailor, or marine, in the military or naval service of the United States, shall acquire a residence by reason of being stationed on duty in this State.

Sec. 8. The general elections shall be held biennially, on the first Monday of September; but the General Assembly may by law, fix a different time.

Sec. 9. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

Sec. 10. No person shall be qualified to serve as an election officer, who shall hold, at the time of the election, any office, appointment, or employment in or under the government of the United States, or of this State, or in any city or county or any municipal board, commission or trust in any city, save only the justices of the peace, and aldermen, notaries public, and persons in the militia service of the State. Nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve--save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

Sec. 11. If the officers of any election shall unlawfully refuse or fail to receive, count or return the vote or ballot of any qualified elector such vote or ballot shall nevertheless be counted upon the trial of any contentst arising out of said election.

Sec. 12. All elections by persons acting in a representative capacity shall be viva voce.

#### ARTICLE IV.

##### Departments

Sec. 1. The powers of the government of the State of Arkansas shall be divided into three distinct departments, each of them to 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 judicial to another.

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

ARTICLE V.

Legislative

Section 1. The legislative power of this state shall be vested in a General Assembly, which shall consist of the

Senate and House of Representatives.

Sec. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

Sec. 3. The Senate shall consist of members to be chosen every four years by the qualified electors of the several

districts. At the first session of the Senate, the Senators shall divide themselves into two classes, by lot, and the first

class shall hold their places for two years only, after which all shall be elected for four years.

Sec. 4. No person shall be a Senator or Representative, who, at the time of his election, is not a citizen of the United States,

nor any one who has not been for two years next preceding his election, a resident of this State, and for one year next

preceding his election, a resident of the county or district whence he maybe chosen. Senators shall be at least

twenty five years of age, and Representatives at least twenty one years of age.

Sec. 5. The General Assembly shall meet at the seat of government every two years, on the first tuesday after the

second Monday in November, until said time be altered by law.

Sec. 6. The Governor shall issue writs of election, to fill such vacancies as shall occur in either house of the General Assembly.

Sec. 7. No judge of the Supreme, Circuit or inferior courts of law or equity, Secretary of State, Attorney General for the

State, Auditor or Treasurer, Recorder, clerk of any court of record, Sheriff, Coroner, member of Congress, nor any other

person holding any lucrative office under the United States or this State, (Militia officers, Justices of the peace,

postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the

General Assembly.

Sec. 8. No person who now is, or shall be hereafter, a collector or holder of public money, nor any assistant or deputy of such

holder or collector of public money, shall be eligible to a seat in either house of the General Assembly, nor to any

office of trust or profit, until he shall have accounted for and paid over, all sums for which he

may have been liable.

Sec. 9. No person hereafter convicted of embezzlement of public money, bribery, forgery, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

Sec. 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State.

Sec. 11. Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns and elections of its own members. A majority of all the members elected to 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, in such manner and under such

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penalties as each house shall provide.

Sec. 12. Each house shall have the power to determine the rules of its proceedings; and punish its members or other persons, for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes; or private solicitations; and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause. A member expelled for corruption shall not thereafter be eligible to either house; and punishment for contempt, or disorderly behavior, shall not bar an indictment for the same offence. Each house shall keep a journal of its proceedings; and, from time to time, publish the same, except such parts as require secrecy; and the yeas and nays, on any question, shall, at the desire of any five members, be entered on the journals.

Sec. 13. The sessions of each house, and of committees of the whole, shall be open, unless when the business is such as ought to be kept secret.

Sec. 14. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be taken viva voce and entered on the journals.

Sec. 15. The members of the General Assembly shall, in all cases except treason, felony, and 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.

Sec. 16. The members of the General Assembly shall receive such per diem pay and mileage for their services, as shall be fixed by law. No member of either house shall, during the term for which he has been elected, receive any increase of pay for his services, under any law passed during such term. The term of all members of the General Assembly shall begin on the day of their election.

Sec. 17. The regular biennial sessions shall not exceed sixty days in duration; unless by a vote of two-thirds of the members elected to each house of said General Assembly. Provided, that this section shall not apply to the first Session of the General Assembly under this Constitution, or when impeachments are pending.

Sec. 18. Each house, at the beginning of every regular session of the General Assembly, and whenever a vacancy may occur; shall elect from its members a presiding officer, to be styled, respectively, the President of the Senate, and the Speaker of the House of Representatives; and whenever, at the close of any session, it may appear that the term of the member elected President of the Senate will expire before the next regular session, the Senate shall elect another President from those members whose terms of office continue over, who shall qualify and remain President of the Senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of Governor, shall perform the duties and exercise the powers of Governor, as elsewhere herein provided.

Sec. 19. The style of the laws of the State of Arkansas shall be: "Be it enacted by the General Assembly of the State of Arkansas."

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Sec. 20. The State of Arkansas shall never be made defendant in any of her courts.

Sec. 21. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house, as to change its original purpose.

Sec. 22. Every bill shall be read at length on three different days, in each house; unless the rules be suspended by two-thirds of the house, when the same may be read a second or third time on the same day; and no bill shall become a law unless, on its final passage, the vote be taken by yeas and nays; the names of the persons voting for and

against the same be entered on the journal;  
and a majority of each house be recorded thereon as voting in its favor.

Sec. 23. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but  
but so much thereof as is revived, amended, extended or conferred, shall be reenacted and published at length.

Sec. 24. The General Assembly shall not pass any local or special law changing the venue in criminal cases; changing the names of persons, or adopting or legitimating children; granting divorces; vacating roads, streets or alleys.

Sec. 25. In all cases where a general law can be made applicable, no special law shall be enacted; nor shall the operation of any general law be suspended by the legislature for the benefit of any particular individual, corporation or association; nor where the courts have jurisdiction to grant the powers, or the privileges or the relief asked for. Sec. 26. No local or special bill shall be passed, unless notice of the intention to apply therefor, shall have been published, in the locality where the matter or the thing to be affected may be situated; which notice shall be at least, thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law.

The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed.

Sec. 27. No extra compensation shall be made to any officer, agent, employ'e or contractor, after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by preexisting laws; unless such compensation or claim, be allowed by bill passed by two-thirds of the members elected to each branch of the General Assembly. Sec. 28. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the two houses shall be sitting.

Sec. 29. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill; and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations shall be for a longer period than two years.

Sec. 30. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive,

legislative and judicial departments of the State; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 31. No state tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just

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debts of the State, for defraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses of the General Assembly.

Sec. 32. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such action shall be prosecuted.

Sec. 33. No obligation or liability of any railroad, or other corporation held or owned by this State, shall ever be exchanged, transferred, remitted, postponed, or in any way diminished by the General Assembly; nor shall such liability or obligation be released, except by payment thereof into the State treasury.

Sec. 34. No new bill shall be introduced into either house during the last three days of the session.

Sec. 35. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly; and any such executive or judicial officer, or member of the General Assembly, who shall receive or consent to receive any such consideration, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony, and be punished accordingly.

Sec. 36. Proceedings to expel a member for a criminal offence, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offence.

#### ARTICLE VI.

##### Executive Department.

Section 1. The executive department of this State shall consist of a Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General; all of whom shall keep their offices in person at the seat of government; and hold their

offices for the term of two years, and until their successors are elected and qualified; and the General Assembly may provide by law for the establishment of the office of Commissioner of State Lands.

Sec. 2. The Supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled "the Governor of the State of Arkansas."

Sec. 3. The Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be elected by the qualified electors of the State at large, at the time and places of voting for members of the General Assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the Speaker of the House of Representatives; who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned, in the presence of both houses of the General Assembly. The person having the highest number of votes, for each of the respective offices, shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the

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same office, one of them shall be chosen by the joint vote of both houses of the General Assembly, and a majority of all the members elected shall be necessary to a choice.

Sec. 4. Contested elections for Governor, Secretary of State, Treasurer of State, Auditor of State, and Attorney General shall be determined by the members of both houses of the General Assembly, in joint session, who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first Session of the General Assembly after the election in which the same shall have arisen.

Sec. 5. No person shall be eligible to the office of Governor except a citizen of the United States, who shall have attained the age of thirty years, and shall have been seven years a resident of this State.

Sec. 6. The Governor shall be commander-in chief of the military and navel forces of this State except when they shall be called into the actual service of the United States.

Sec. 7. He may require information, in writing, from the officers of the Executive Department,

on any subject

relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Sec. 8. He shall give to the General Assembly, from time to time, and at the close of his official term, to

the next General Assembly, information, by message, concerning the condition and government of the State;

and recommend for their consideration such measures as he may deem expedient.

Sec. 9. A seal of the State shall be kept by the Governor, used by him officially and called the "Great Seal of the State of Arkansas."

Sec. 10. All grants and commissions shall be issued in the name, and by the authority of the State of

Arkansas; sealed with the great seal of the State; signed by the Governor, and attested by the Secretary of State.

Sec. 11. No member of Congress, or other person holding office under the authority of this State, nor the

United States, shall exercise the office of Governor, except as herein provided.

Sec. 12. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State,

or other disability of the Governor, the powers, duties, and emoluments of the office for the remainder of the term,

or until the disability, be removed, or a Governor elected and qualified, shall devolve upon, and accrue, to

the President of the Senate.

Sec. 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached,

removed from office, refuse to qualify, resign, die, or be absent from the State; the Speaker of the House

of Representatives shall, in like manner, administer the government.

Sec. 14. Whenever the office of Governor shall have become vacant by death, resignation, removal from office or otherwise,

provided such vacancy shall not happen within twelve months next before the expiration of the term of

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office for which the late Governor shall have been elected, the President of the Senate or Speaker of the House of

Representatives, as the case may be, exercising the powers of Governor for the time being, shall immediately cause

an election to be held to fill such vacancy, giving by proclamation, sixty days previous notice thereof, which election

shall be governed by the same rules prescribed for general elections of Governor as far as applicable; the returns shall be made to the Secretary of State, and the acting Governor, Secretary of State and Attorney General shall constitute a board of Canvassers, a majority of whom shall compare said returns, and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

Sec. 15. Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor, if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house, shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number 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 members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall become a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within twenty days after such adjournment.

Sec. 16. Every order or resolution in which the concurrence of both houses of the General Assembly may be necessary, except on questions 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 both houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 17. The Governor shall have power to disapprove any item or items, of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law;

and the  
item or items of appropriations disapproved, shall be void unless repassed according to the  
rules and

limitations prescribed for the passage of other bills over the executive veto.

Sec. 18. In all criminal and penal cases, except in those of treason and impeachment, the  
Governor shall

have power to grant reprieves, commutations of sentence, and pardons, after conviction; and  
to remit fines

and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of  
treason, he shall

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have power, by and with the advice and consent of the senate, to grant reprieves and pardons;  
and he may,

in the recess of the Senate, respite the sentence until the adjournment of the next regular  
session of the

General Assembly. He shall communicate to the General Assembly at every regular session each  
case of reprieve,

commutation or pardon, with his reasons therefor; stating the name and crime of the convict,  
the sentence, its

date, and the date of the commutation, pardon or reprieve.

Sec. 19. The Governor may, by proclamation on 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

contagious disease; and he shall specify in his proclamation the purpose for which they are  
convened; and no other business than

that set forth therein shall be transacted until the same shall have been disposed of; after  
which they may, by a vote of

two thirds of all the members elected to both houses, entered upon their journals, remain in  
session not exceeding fifteen days.

Sec. 20. In cases of disagreement between the two houses of the General Assembly, at a regular  
or Special Session, with

respect to the time of adjournment, the Governor may, if the facts be certified to him by the  
presiding officers of the two houses,

adjourn them to a time not beyond the day of their next meeting; and on account of danger  
from an enemy or disease, to such

other place of safety as he may think proper.

Sec. 21. The Secretary of State shall keep a full and accurate record of all the official acts and  
proceedings of

the Governor, and, when required, lay the same with all papers, minutes and vouchers relating

thereto, before either  
branch of the General Assembly. He shall also discharge the duties of Superintendent of Public  
Instruction, until  
otherwise provided by law.

Sec. 22. The Treasurer of State, Secretary of State, Auditor of State and Attorney General shall  
perform such  
duties as may be prescribed by law; they shall not hold any other office or commission, civil or  
military, in  
this State, or under any State, or the United States, or any other power, at one and the same  
time; and in case of  
vacancy occurring in any of said offices, by death, resignation or otherwise, the Governor shall  
fill said office by  
appointment for the unexpired term.

Sec. 23. When any office, from any cause, may become vacant, and no mode is provided by the  
Constitution and  
laws for filling such vacancy, the Governor shall have the power to fill the same by granting a  
commission,  
which shall expire when the person elected to fill said office, at the next general election, shall  
be duly qualified.

#### ARTICLE VII.

##### Judicial Department

Section. I. The Judicial power of the State shall be vested in one Supreme Court, in Circuit  
Courts, in County and Probate Courts,  
and in Justices of the Peace. The General Assembly may also vest such jurisdiction as may be  
deemed necessary in Municipal Corporation  
Courts, Courts of Common Pleas, where established; and, when deemed expedient, may  
establish separate Courts of Chancery.

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Sec. 2. The Supreme Court shall be composed of three judges, one of whom shall be styled  
Chief Justice, and elected as  
such; any two of whom shall constitute a quorum, and the concurrence of two judges shall, in  
every case, be necessary to  
a decision.

Sec. 3. When the population of the State shall amount to one million, the General Assembly,  
may, if deemed necessary,  
increase the number of Judges of the Supreme Court to five; and, on such increase, a majority  
of Judges shall be necessary  
to make a quorum or a decision. Sec. 4. The Supreme Court, except in cases otherwise provided  
by this Constitution, shall have appellate jurisdiction only;  
which shall be co-extensive with the State, under such restrictions as may from time to time be

prescribed by law.

It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its

appellate and supervisory jurisdiction, it shall have power to issue writs of error, and supersedeas, certiorari, habeas

corpus, prohibition, mandamus, and quo warranto, and other remedial writs; and to hear and determine the same. Its

Judges shall be conservators of the peace throughout the State, and shall severally have power to issue any of the aforesaid writs.

Sec. 5. In the exercise of original jurisdiction, the Supreme Court shall have power to issue writs of quo warranto to the

Circuit Judges and Chancellors, when created, and to officers of Political Corporations when the question involved is

the legal existence of such Corporations.

Sec. 6. A Judge of the Supreme Court shall be at least thirty years of age, of good moral character, and learned

in the law; a citizen of the United States, and two years a resident of the State; and who has been a practicing

lawyer eight years, or whose service upon the bench of any court of record when added to the time he may have

practiced law, shall be equal to eight years. The Judges of the Supreme Court shall be elected by the qualified

electors of the State and shall hold their offices during the term of eight years from the date of their commissions;

but at the first meeting of the court, after the first election under this Constitution, the Judges shall, by lot,

divide themselves into three classes; one of which shall hold his office for four, one for six, and the other for eight

years; after which, each Judge shall be elected for a full term of eight years. A record shall be made in

the court of this classification.

Sec. 7. The Supreme Court shall appoint its Clerk and Reporter, who shall hold their offices for six years, subject to removal for good cause.

Sec. 8. The terms of the Supreme Court shall be held at the seat of government, at the times that now are, or may be, provided by law.

Sec. 9. In case all, or any of the Judges of the Supreme Court shall be disqualified from presiding in any cause or causes, the

court, or the disqualified judge, shall certify the same, to the Governor, who shall immediately commission the requisite number

of men learned in the law, to sit in the trial and determination of such causes.

Sec. 10. The Supreme Judges shall, at stated times, receive a compensation for their services to

be ascertained by law, which shall not be, after the adjournment of the next General Assembly, diminished during the time for which they shall have been

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elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the State or the United States.

Sec. 11. The Circuit Court shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this Constitution.

Sec. 12. The Circuit Courts shall hold their terms in each county, at such times and places as are, or may be, prescribed by law.

Sec. 13. The State shall be divided into convenient circuits, each circuit to be made up of contiguous Counties, for each of which circuits a Judge shall be elected; who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.

Sec. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, Probate, Court of Common Pleas, and Corporation Courts and Justices of the Peace; and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the Judge of the appropriate court in vacation.

Sec. 15. Until the General Assembly shall deem it expedient to establish Courts of Chancery, the Circuit Courts shall have jurisdiction in matters of equity, subject to appeal to the Supreme Court, in such manner as may be prescribed by law.

Sec. 16. A Judge of the Circuit Court shall be a citizen of the United States, at least twenty eight years of age, of good moral character, learned in the law, two years a resident of the State, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

Sec. 17. The Judges of the Circuit Courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

Sec. 18. The Judges of the Circuit Courts shall at stated times, receive a compensation for their services to be ascertained by law; which shall not, after the adjournment of the first session of the General Assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

Sec. 19. The Clerks of the Circuit Court shall be elected by the qualified electors of the several counties, for the term of two years, and shall be ex-officio clerks, of the County and Probate Courts, and Recorder; provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last federal census, there shall be elected a County Clerk, in like manner as clerk of the Circuit Court, who shall be ex-officio clerk of the Probate Court of said County.

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Sec. 20. No Judge or Justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel; or have presided in any inferior Court.

Sec. 21. Whenever the office of Judge of the Circuit Court of any county is vacant at the commencement of a term of such court, or the Judge of said Court shall fail to attend, the regular practicing attorneys in attendance on said court, may meet at 10 o'clock a. m. on the second day of the term, and elect a Judge to preside at such Court, or until the regular Judge shall appear: and if the Judge of said court shall become sick, or die, or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge, or clerk of said Court, elect a Judge to preside at such Court, or to try said causes; and the attorney so elected shall have the same power and authority in said Court as the regular Judge would have had if present

and presiding; but this authority shall cease at the close of the term at which the election shall be made.

The proceedings shall be entered at large upon the record. The special Judge shall be learned in the

law, and a resident of the State.

Sec. 22. The Judges of the Circuit Courts may temporarily exchange circuits, or hold courts for each other under

such regulations as may be prescribed by law.

Sec. 23. Judges shall not charge Juries with regard to matters of fact, but shall declare the law; and in

jury trials shall reduce their charge or instructions to writing, on the request of either party.

Sec. 24. The qualified electors of each circuit shall elect a Prosecuting Attorney, who shall hold his office for

the term of two years; and he shall be a citizen of the United States, learned in the law, and a resident of the

circuit for which he may be elected.

Sec. 25. The Judges of the Supreme, Circuit, or Chancery Courts shall not, during their continuance in office,

practice law, or appear as counsel in any court--State or Federal--within this State.

Sec. 26. The General Assembly shall have power to regulate, by law, the punishment of contempts, not committed

in the presence or hearing of the Courts, or in disobedience of process.

Sec. 27. The Circuit Court shall have jurisdiction upon information, presentment or indictment, to remove any County

or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance,

or nonfeasance in office.

Sec. 28. The County Courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads,

bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes,

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and in every other case that may be necessary to the internal improvement and local concerns of the respective counties.

The County Court shall be held by one judge, except in cases otherwise herein provided.

Sec. 29. The Judge by the County Court shall be elected by the qualified electors of the county, for the term of

two years. He shall be at least twenty five years of age, a citizen of the United States, a man of upright

character, of good business education, and a resident of the State for two years before his

election; and a resident  
of the County, at the time of his election, and during his continuance in office.

Sec. 30. The Justices of the Peace of each county shall sit with and assist the County Judge in levying the County taxes, and in making appropriations for the expenses of the County, in the manner to be prescribed by law; and the County Judge, together with a majority of said Justices, shall constitute a quorum for such purposes; and in the absence of the County Judge a majority of the Justices of the Peace may constitute the court, who shall elect one of their number to preside. The General Assembly shall regulate by law the manner of compelling the attendance of such quorum.

Sec, 31. The terms of the county courts shall be held at the times that are now prescribed for holding the Supervisors' Courts, or may hereafter be prescribed by law.

Sec. 32. The General Assembly may authorize the judges of the county court of any one or more counties, to hold severally a quarterly Court of Common Pleas, in their respective Counties; which shall be a court of record, with such jurisdiction in matters of contract and other civil matters, not involving title to real estate, as may be vested in such court.

Sec. 33. Appeals from all judgments of County Courts or Courts of Common Pleas, when established, may be taken to the Circuit Court under such restrictions and regulations as may be prescribed by law.

Sec. 34. The Judge of the County Court shall be the Judge of the Court of Probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians, and persons of unsound mind, and their estates, as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the Court of Probate shall be held at the times that may hereafter be prescribed by law.

Sec. 35. Appeals may be taken from judgments and orders of the Probate Court to the Circuit Court, under such regulations and restrictions as may be prescribed by law.

Sec. 36. Whenever a Judge of the County or Probate Court may be disqualified from presiding, in any cause or causes pending in his court, he shall certify the facts to the Governor of the State, who shall thereupon commission a special Judge to preside in such cause or causes during the time said disqualification may continue, or

until such cause or causes may be finally disposed of.

Sec. 37. The County Judge shall receive such compensation for his services as presiding Judge of the County Court, as Judge of the Court of Probate, and Judge of the Court of Common Pleas, when established, as may be provided by law.

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In the absence of the circuit Judge from the county, the County Judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction; provided, that either party may have such order reviewed by any superior Judge in vacation in such manner as shall be provided by law. The County Judge shall have power, in the absence of the Circuit Judge from the County, to issue, hear and determine writs of habeas corpus, under such regulations and restrictions as shall be provided by law.

Sec. 38. The qualified electors of each township shall elect the Justices of the Peace for the term of two years; who shall be commissioned by the Governor, and their official oath shall be endorsed on the commission.

Sec. 39. For every two hundred electors there shall be elected one Justice of the Peace; but every township, however small, shall have two Justices of the Peace.

Sec. 40. They shall severally have original jurisdiction in the following matters: First- Exclusive of the Circuit Court, in all Matters of Contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest; and concurrent jurisdiction in Matters of Contract, where the amount in controversy, does not exceed the sum of three hundred dollars, exclusive of interest. Second- Concurrent jurisdiction in suits for the recovery of personal property, where the value of the property does not exceed the sum of three hundred dollars; and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars. Third- Such jurisdiction of misdemeanors as is now, or may be prescribed by law. Fourth- To sit as examining courts and commit, discharge or recognize offenders to the court having jurisdiction, for further trial, and to bind persons to keep the peace, or for good behavior. Fifth- For the foregoing purposes, they shall have power to issue all necessary process. Sixth- They shall be conservators of the

peace within  
their respective counties. Provided, a Justice of the Peace shall not have jurisdiction where a  
lien on land,  
or title or possession thereto is involved.

Sec. 41. A Justice of the Peace shall be a qualified elector and a resident of the township for  
which he is elected.

Sec. 42. Appeals may be taken from the final judgments of the Justices of the Peace, to the  
Circuit Courts, under such  
regulations as are now, or may be provided by law.

Sec. 43. Corporation Courts, for towns and cities, may be invested with jurisdiction concurrent  
with Justices of the Peace  
in civil and criminal matters, and the General Assembly may invest such of them as it may deem  
expedient  
with jurisdiction of any criminal offences not punishable by death, or imprisonment in the  
penitentiary, with or without  
indictment, as may be provided by law; and until the General Assembly shall otherwise provide,  
they shall have  
the jurisdiction now provided by law.

Sec. 44. The Pulaski Chancery Court shall continue in existence until abolished by law or the  
business pending at the  
adoption of this Constitution shall be disposed of, or the pending business be transferred to  
other courts. The Judge and Clerk of

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said court shall hold office for the term of two years; and shall be elected by the qualified  
voters of the State.

All suits and proceedings which relate to sixteenth section lands, or to money due for said lands  
shall be transferred to  
the respective counties where such lands are located, in such manner as shall be provided by  
the General Assembly  
at the next session.

Sec. 45. The Separate Criminal Courts established in this State are hereby abolished, and all the  
jurisdiction  
exercised by said Criminal Courts is vested in the Circuit Courts of the respective counties; and  
all causes  
now pending therein are hereby transferred to said Circuit Courts respectively. It shall be the  
duty of the clerks  
of said Criminal Courts to transfer all the records, books and papers pertaining to said Criminal  
Courts to  
the Circuit Courts of their respective counties.

Sec. 46. The qualified electors of each county shall elect one sheriff, who shall be ex-officio

collector of taxes,  
unless otherwise provided by law; one Assessor, one Coroner, one Treasurer, who shall be ex-officio treasurer of  
the Common School fund of the county; and one County Surveyor; for the term of two years, with such duties  
as are now or may be prescribed by law. Provided, that no per centum shall ever be paid to Assessors upon  
the valuation or assessment of property by them.

Sec. 47. The qualified electors of each township shall elect a Constable, for the term of two years, who shall  
be furnished by the presiding Judge of the County Court with a certificate of election, on which his official  
oath shall be indorsed.

Sec. 48. All officers provided for in this article, except Constables, shall be commissioned by the Governor.

Sec. 49. All writs and other judicial process, shall run in the name of the State of Arkansas, bear test and  
be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the  
peace and dignity of the State of Arkansas.

Sec. 50. All vacancies occurring in any office provided for in this article, shall be filled by special election; save that in case of vacancies occurring in county and township offices six months, and in other  
offices nine months, before the next general election, such vacancies shall be filled by appointment by  
the Governor.

Sec. 51. That in all cases of allowances made for or against counties, cities, or towns, an appeal shall be to the  
Circuit Court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax  
payer of such county, city, or town, on the same terms and conditions on which appeals may be granted to the Circuit  
Court in other cases; and the matter pertaining to any such allowances shall be tried in the Circuit Court  
de novo. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to  
prosecute the appeal, and save the county from costs on account of the same being taken.

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Sec. 52. That in all cases of contest for any County, township or municipal office, an appeal shall lie at the instance

of the party aggrieved, from any inferior board, council, or tribunal to the Circuit Court, on the same terms and conditions on which appeals may be granted to the Circuit Court in other cases; and on such appeals the case shall be tried de novo.

#### ARTICLE VIII.

##### Apportionment

Section I. The House of Representatives shall consist of not less than seventy three, nor more than one hundred members.

Each County now organized shall always be entitled to one Representative; the remainder to be apportioned the several

Counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of

Representatives amounts to one hundred, when they shall not be further increased, but the ratio of representation

shall, from time to time, be increased as hereinafter provided; so that the Representatives shall never exceed that

number. And until the enumeration of the inhabitants is taken by the United States government, A. D. 1880,

the Representatives shall be apportioned among the several Counties as follows: The County of Arkansas

shall elect one Representative. The County of Ashley shall elect one Representative. The County of Benton

shall elect two Representatives. The County of Boone shall elect one Representative. The County of Bradley shall

elect one Representative. The County of Baxter shall elect one Representative. The County of Calhoun shall elect

one Representative. The County of Carroll shall elect one Representative. The County of Chicot shall elect one

Representative. The County of Columbia shall elect two Representatives. The County of Clark shall elect two

Representatives. The County of Conway shall elect one Representative. The County of Craighead shall elect one

Representative. The County of Crawford shall elect one Representative. The County of Cross shall elect one

Representative. The County of Crittenden shall elect one Representative. The County of Clayton shall elect one

Representative. The County of Dallas shall elect one Representative. The County of Desha shall elect one

Representative. The County of Drew shall elect one Representative. The County of Dorsey shall elect one

Representative. The County of Franklin shall elect one Representative. The County of Fulton shall elect one

Representative. The County of Faulkner shall elect one Representative. The County of Grant shall elect one

Representative. The County of Green shall elect one Representative. The County of Garland shall elect one

Representative. The County of Hempstead shall elect two Representatives. The County of Hot Springs shall elect one

Representative. The County of Howard shall elect one Representative. The County of Independence shall elect two

Representatives. The County of Izard shall elect one Representative. The County of Jackson shall elect one

Representative. The County of Jefferson shall elect three Representatives. The County of Johnson shall elect one

Representative. The County of Lafayette shall elect one Representative. The County of Lawrence shall elect one

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Representative. The County of Little River shall elect one Representative. The County of Lonoke shall elect two

Representatives. The County of Lincoln shall elect one Representative. The County of Lee shall elect two

Representatives. The County of Madison shall elect one Representative. The County of Marion shall elect one

Representative. The County of Monroe shall elect one Representative. The County of Montgomery shall elect one

Representative. The County of Mississippi shall elect one Representative. The County of Nevada shall elect one

Representative. The County of Newton shall elect one Representative. The County of Ouachita shall elect two

Representatives. The County of Perry shall elect one Representative. The County of Phillips shall elect three

Representatives. The County of Pike shall elect one Representative. The County of Polk shall elect one

Representative. The County of Pope shall elect one Representative. The County of Poinsett shall elect one

Representative. The County of Pulaski shall elect four Representatives. The County of Prairie shall elect one

Representative. The County of Randolph shall elect one Representative. The County of Saline shall elect one

Representative. The County of Sarber shall elect one Representative. The County of Scott shall

elect one

Representative. The County of Searcy shall elect one Representative. The County of Sebastian shall elect two

Representatives. The County of Sevier shall elect one Representative. The County of St. Francis shall elect one

Representative. The County of Stone shall elect one Representative. The County of Union shall elect two

Representatives. The County of Van Buren shall elect one Representative. The County of Washington shall elect three

Representatives. The County of White shall elect two Representatives. The County of Woodruff shall elect one

Representative. The County of Yell shall elect one Representative. The County of Sharp shall elect one Representative.

Sec. 2. The Legislature shall, from time to time, divide the State into convenient Senatorial districts in such

manner that the Senate shall be based upon the adult male inhabitants of the State; each Senator

representing an equal number as nearly as practicable, and until the enumeration of the inhabitants is taken by

the United States government, A. D. 1880, the districts shall be arranged as follows:

The Counties of Greene, Craighead and Clayton shall compose the First district, and elect one Senator.

The Counties of Randolph, Lawrence and Sharp shall compose the Second district, and elect one Senator.

The Counties of Carroll, Boone and Newton shall compose the Third district, and elect one Senator.

The Counties of Johnson and Pope shall compose the Fourth district, and elect one Senator.

The County of Washington shall compose the Fifth district, and elect one Senator.

The Counties of Independence and Stone shall compose the Sixth district, and elect one Senator.

The Counties of Woodruff, St. Francis, Cross and Crittenden shall compose the Seventh district, and elect one Senator.

The Counties of Yell and Sarber shall compose the Eighth district, and elect one Senator.

The Counties of Saline, Garland, Hot Spring and Grant shall compose the Ninth district, and elect one Senator.

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The Counties of Pulaski and Perry shall compose the Tenth district, and elect two Senators.

The County of Jefferson shall compose the Eleventh district, and elect one Senator.

The Counties of Lonoke and Prairie shall compose the Twelfth district, and elect one Senator.

The Counties of Arkansas and Monroe shall compose the Thirteenth district, and elect one

Senator.

The Counties of Phillips and Lee shall compose the Fourteenth district, and elect one Senator.  
The Counties of Desha and Chicot shall compose the Fifteenth district, and elect one Senator.  
The Counties of Lincoln, Dorsey and Dallas shall compose the Sixteenth district, and elect one Senator.

The Counties of Drew and Ashley shall compose the Seventeenth district, and elect one Senator.

The Counties of Bradley and Union shall compose the Eighteenth district, and elect one Senator.

The Counties of Calhoun and Ouachita shall compose the Nineteenth district, and elect one Senator.

The Counties of Hempstead and Nevada shall compose the Twentieth district, and elect one Senator.

The Counties of Columbia and Lafayette shall compose the Twenty-first district, and elect one Senator.

The Counties of Little River, Sevier, Howard and Polk shall compose the Twenty-second district, and elect one Senator.

The Counties of Fulton, Izard, Marion and Baxter shall compose the Twenty-third district, and elect one Senator.

The Counties of Benton and Madison shall compose the Twenty-fourth district, and elect one Senator.

The Counties of Crawford and Franklin shall compose the Twenty-fifth district, and elect one Senator.

The Counties of Van Buren, Conway and Searcy shall compose the Twenty-Sixth district, and elect one Senator.

The Counties of White and Faulkner shall compose the Twenty-Seventh district, and elect one Senator.

The Counties of Sebastian and Scott shall compose the Twenty-eighth district, and elect one Senator.

The Counties of Poinsett, Jackson and Mississippi, shall compose the Twenty-ninth district, and elect one Senator.

The Counties of Clark, Pike and Montgomery, shall compose the Thirtieth district, and elect one Senator.

And the Senate shall never consist of less than thirty, nor more than thirty-five members.

Sec. 3. Senatorial districts shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senatorial district.

Sec. 4. The division of the State into Senatorial districts, and the apportionment of Representatives to the several counties, shall be made by the General Assembly at the first regular session after each enumeration

of the inhabitants of the State by the Federal or State government, shall have been ascertained and at no other time.

ARTICLE IX.

Exemption.

Section I. The personal property of any resident of this State, who is not married or the head of a family, in

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specific articles, to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution or other process from any court issued for the collection of any debt by contract; Provided, That no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

Sec. 2. The personal property of any resident of this State, who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars, in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution or other process from any court, on debt by contract.

Sec. 3. The homestead of any resident of this State, who is married or the head of a family, shall not be subject to the lien of any judgment or decree of any court, or to sale under execution, or other process thereon, except such as may be rendered for the purchase money, or for specific liens, laborers' or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them, and other trustees of an express trust, for moneys due from them in their fiduciary capacity.

Sec. 4. The homestead outside any city, town or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by the owner; Provided, The same shall not exceed in value the sum of twenty-five hundred dollars; and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

Sec. 5. The homestead in any city, town or village, owned and occupied as a residence, shall

consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner; provided, the same shall not exceed in value the sum of two thousand five hundred dollars; and in no event shall such homestead be reduced to less than one quarter of an acre of land, without regard to value.

Sec. 6. If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life; Provided, That if the owner leaves children, one or more, said child or children shall share with said widow, and be entitled to half the rents and profits till each of them arrives at twenty-one years of age - each child's rights to cease at twenty-one years of age - and the shares to go to the younger children; and then all to go to the widow; and provided, that said widow or children may reside on the homestead or not. And in case of the death of the widow, all of said homestead shall be vested in the minor children of the testator or intestate.

Sec. 7. The real and personal property of any femme covert in this State, acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and

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remain her separate estate and property, and may be devised, bequeathed or conveyed by her the same as if she were a femme sole; and the same shall not be subject to the debts of her husband.

Sec. 8. The General Assembly shall provide for the time and mode of scheduling the separate personal property of married women.

Sec. 9. The exemptions contained in the Constitution of 1868 shall apply to all debts contracted since the adoption thereof, and prior to the adoption of this Constitution.

Sec. 10. The homestead provided for in this article shall inure to the benefit of the minor children, under the exemption herein provided, after the decease of the parents.

#### ARTICLE X.

Agriculture, Mining and Manufacture.

Section I. The General Assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the State, and may create a bureau to be known as the Mining,

Manufacturing  
and Agricultural Bureau.

Sec. 2. The General Assembly, when deemed expedient, may create the office of State Geologist, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for such time, and perform such duties, and receive such compensation as may be prescribed by law; Provided: That he shall be at all times subject to removal by the Governor, for incompetency or gross neglect of duty.

Sec. 3. The General Assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this Constitution, the capital invested in any or all kinds of mining and manufacturing business in this State, under such regulations and restrictions as may be prescribed by law.

#### ARTICLE XI.

Militia.

Section I. The Militia shall consist of all able bodied male persons, residents of the State, between the ages of eighteen and forty-five years; except such as may be exempted by the laws of the United States, or this State; and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

Sec. 2. Volunteer Companies of Infantry, Cavalry or Artillery, may be formed in such manner and with such restrictions as may be provided by law.

Sec. 3. The volunteer and militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

Sec. 4. The Governor shall, when the General Assembly is not in Session, have power to call out the volunteers or Militia, or both, to execute the laws, repel invasion, repress insurrection and preserve the public peace; in such manner as may be authorized by law.

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#### ARTICLE XII.

Municipal and Private Corporations

Section 1. All existing charters or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption

of this Constitution, shall thereafter have no validity.

Sec. 2. The General Assembly shall pass no special act conferring corporate powers, except for charitable, educational, penal or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the state.

Sec. 3. The General Assembly shall provide, by general laws, for the organization of cities (which may be classified) and in corporated towns; and restrict their power of taxation, assessment, borrowing money, and contracting debts, so as to prevent the abuse of such power.

Sec. 4. No municipal corporation shall be authorized to pass any laws contrary to the general laws, of the State; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same; Provided, That to pay indebtedness existing at the time of the adoption of this Constitution, an additional tax of not more than five mills on the dollar, may be levied.

Sec. 5. No county, city, town, or other municipal corporation, shall become a stockholder in any company, association, or corporation; or obtain or appropriate money for, or loan its credit to, any corporation, association, institution or individual.

Sec. 6. Corporations may be formed under general laws; which laws may, from time to time, be altered or repealed. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this State; in such manner, however, that no injustice shall be done to the corporators.

Sec. 7. Except as herein provided, the State shall never become a stockholder in, or subscribe to, or be interested in the stock of any corporation or association.

Sec. 8. No private corporation shall issue stocks or bonds, except for money or property actually received, or labor done; and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws, nor until the consent of the persons holding the larger amount, in value, of stock, shall be obtained at a meeting held after notice given for

a period not less than sixty days, in pursuance of law.

Sec. 9. No property, nor right of way, shall be appropriated to the use of any corporation, until full compensation

therefor shall be first made to the owner, in money; or first secured to him by a deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such Corporation, shall be ascertained by a

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jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

Sec. 10. No act of the General Assembly shall be passed authorizing the issue of bills, notes, or other paper which may circulate as money.

Sec. 11. Foreign corporations may be authorized to do business in this State, under such limitations and restrictions as may be prescribed by law; Provided: That no such corporation shall do any business in this State, except while it maintains therein

one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served;

and, as to contracts made or business done in this State, they shall be subject to the same regulations, limitations and

liabilities as like corporations of this State; and shall exercise no other or greater powers, privileges or franchises

than may be exercised by like corporations of this State; nor shall they have power to condemn or appropriate private property.

Sec. 12. Except as herein otherwise provided, the State shall never assume, or pay the debt or liability of any

County, town, city or other corporation whatever; or any part thereof; unless such debt or liability shall have been

created to repel invasion, suppress insurrection, or to provide for the public welfare and defense. Nor shall the

indebtedness of any corporation to the State, ever be released, or in any manner discharged, save by payment into the public Treasury.

#### ARTICLE XIII.

##### Counties, County Seats, and County Lines

Section I. No county now established shall be reduced to an area of less than six hundred square miles, nor to

less than five thousand inhabitants; nor shall any new county be established with less than six hundred square

miles and five thousand inhabitants; Provided, That this section shall not apply to the counties of Lafayette, Pope

and Johnson, nor be so construed as to prevent the General Assembly from changing the line

between the counties  
of Pope and Johnson.

Sec. 2. No part of a county shall be taken off to form a new county, or a part thereof, without the consent of a

majority of the voters in such part proposed to be taken off.

Sec. 3. No county seat shall be established or changed without the consent of a majority of the qualified voters of the

County to be affected by such change, nor until the place at which it is proposed to establish or change such

County seat shall be fully designated; Provided, That, in formation of new counties, the county seat may be located temporarily

by provisions of law.

Sec. 4. In the formation of new counties, no line thereof shall run within ten miles of the county seat of the county

proposed to be divided, except the county seat of Lafayette county.

Sec. 5. Sebastian County may have two districts, and two county seats, at which county, probate and

circuit courts shall be held as may be provided by law, each district paying its own expenses.

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#### ARTICLE XIV.

##### Education.

Section I. Intelligence and virtue being the Safeguards of liberty, and the bulwark of a free and good government,

the State shall ever maintain a general, suitable and efficient system of free schools, whereby all persons in the State,

between the ages of six and twenty one years, may receive gratuitous instruction.

Sec. 2. No money or property belonging to the public school fund, or to this State, for the benefit of schools or universities,

shall ever be used for any other than for the respective purposes to which it belongs.

Sec. 3. The General Assembly shall provide, by general laws, for the support of Common Schools by taxes, which shall

never exceed in any one year two mills on the dollar on the taxable property of the State; and by an annual per capita

tax of one dollar, to be assessed on every male inhabitant of this State over the age of twenty one years; Provided, The General

Assembly may, by general law, authorize School districts to levy, by a vote of the qualified electors of such district, a tax not to

exceed five mills on the dollar in any one year for school purposes; Provided further, That no such tax shall be

appropriated to any other purpose, nor to any other district than that for which it was levied.

Sec. 4. The Supervision of public schools, and the execution of the laws regulating the same, shall be vested in and confided to, such officers as may be provided for by the General Assembly.

ARTICLE XV.

Impeachment and Address.

Section I. The Governor and all State officers, Judges of the Supreme and Circuit Courts, Chancellors and Prosecuting Attorneys, shall be liable to impeachment for high crimes and misdemeanors, and gross misconduct in office; but the Judgment shall go no further than removal from office and disqualification to hold any office of honor, trust or profit under this State. An impeachment, whether successful or not, shall be no bar to an indictment.

Sec. 2. The House of Representatives shall have the sole power of impeachment. 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 all the members thereof. The Chief Justice shall preside, unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

Sec. 3. The Governor, upon the joint address of two-thirds of all the members elected to each House of the General Assembly, for good cause, may remove the Auditor, Treasurer, Secretary of State, Attorney General, Judges of the Supreme and Circuit Courts, Chancellors, and Prosecuting Attorneys.

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ARTICLE XVI.

Finance and Taxation.

Sec. 1. Neither the State, nor any city, county, town or other municipality in this State shall ever loan its credit for any purpose whatever. Nor shall any county, city, Town, or municipality ever issue any interest bearing evidences of indebtedness; except such bonds as may be authorized by law to provide for, and secure the payment of, the present existing indebtedness. And the State shall never issue any interest-bearing Treasury warrants or scrip.

Sec. 2. The General Assembly shall, from time to time, provide for the payment of all just and legal debts

of the State.

Sec. 3. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the State, or member or officer of the General Assembly, shall be punishable as may be provided by law; but part of such punishment shall be disqualification to hold office in this State for a period of five years.

Sec. 4. The General Assembly shall fix the salaries and fees of all officers in the State; and no greater salary or fee than that fixed by law, shall be paid to any officer, employe, or other person, or at any rate other than par value; and the number and salaries of the clerks and employes of the different departments of the State shall be fixed by law.

Sec. 5. All property subject to taxation shall be taxed according to its value; that value to be ascertained in such manner as the General Assembly shall direct, making the same equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value; provided, the General Assembly shall have power, from time to time, to tax hawkers, pedlers, ferries, exhibitions and privileges, in such manner as may be deemed proper. Provided, further, that the following property shall be exempt from taxation: Public property used exclusively for public purposes; churches used as such; Cemeteries used exclusively as such; school buildings and apparatus; Libraries and grounds used exclusively for school purposes; and buildings and grounds and materials used exclusively for public charity.

Sec. 6. All laws exempting property from taxation, other than as provided in this constitution, shall be void.

Sec. 7. The power to tax corporations and corporate property, shall not be surrendered or suspended, by any contract or grant to which the state may be a party.

Sec. 8. The General Assembly shall not have power to levy State taxes for any one year to exceed, in the aggregate, one per cent. of the assessed valuation of the property of the State for that year.

Sec. 9. No county shall levy a tax to exceed one-half of one per cent. for all purposes; but may levy an additional one-half of one per cent. to pay indebtedness existing at the time of the ratification of this Constitution.

Sec. 10. The taxes of counties, towns and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns and cities respectively.

Sec. 11. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for one purpose shall be used for any other purpose.

Sec. 12. No money shall be paid out of the treasury until the same shall have been appropriated by law; and then only in accordance with said appropriation.

Sec. 13. Any citizen of any county, city or town may institute suit, in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

#### ARTICLE XVII.

##### Railroads, Canals, and Turnpikes.

Sec. 1. All railroads, canals and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States.

Every railroad company shall have the right with its road to intersect, connect with, or cross any other road, and shall receive and transport, each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 2. Every railroad, canal or turnpike corporation operated or partly operated in this State, shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation; in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by them respectively, the transfers of said stock and the names and places of residence of the officers.

Sec. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads, canals and turnpikes; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation, of freight or passengers within

the State, or coming from, or going to, any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class, in the same direction to any more distant station. But excursion and commutation tickets may be issued at special rates.

Sec. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad, canal or corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or

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canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation, owning or having control of a parallel or competing line; and the question whether railroads or canals or parallel or competing lines, shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Sec. 5. No president, director, officer, agent or employe of any railroad or canal company, shall be interested, directly or indirectly, in the furnishing of materials or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company. Nor in any arrangement which shall afford more advantageous terms, or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

Sec. 6. No discrimination in charges, or facilities for transportation, shall be made between transportation companies and individuals, or in favor of either by abatement, drawback or otherwise; and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Sec. 7. The General Assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this state, Legislative, Executive or Judicial.

Sec. 8. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter, subject to the provisions of this Constitution.

Sec. 9. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use - the same as the property of individuals.

Sec. 10. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroad, canal and turnpike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures,

Sec. 11. The rolling stock and all other moveable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale, in the same manner as the personal property of individuals, and the General Assembly shall pass no law exempting any such property from execution and sale.

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Sec. 12. All railroads, which are now or may be hereafter built and operated either in whole or in part in this State, shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the General Assembly.

Sec. 13. The directors of every railroad corporation shall annually make a report under oath to the Auditor of public accounts, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law; and the General Assembly shall pass laws enforcing by suitable penalties, the provisions of this section.

ARTICLE. XVIII.

Judicial Circuits.

Until otherwise provided by the General Assembly, the judicial circuits shall be composed of the following counties:

First - Phillips, Lee, St. Francis, Prairie, Woodruff, White and Monroe. Second - Mississippi, Crittenden, Cross, Poinsett, Craighead, Green, Clayton and Randolph. Third - Jackson, Independence, Lawrence, Sharp, Fulton, Iizard, Stone and Baxter. Fourth - Marion, Boone, Searcy, Newton, Madison, Carroll, Benton and Washington. Fifth - Pope, Johnson, Franklin, Crawford, Sebastian, Sarber and Yell. Sixth - Lonoke, Pulaski, Van Buren and Faulkner. Seventh - Grant, Hot Springs, Garland, Perry, Saline and Conway. Eighth - Scott, Montgomery, Polk, Howard, Sevier, Little River, Pike and Clark. Ninth - Hempstead, Lafayette, Nevada, Columbia, Union, Ouachita and Calhoun. Tenth - Chicot, Drew, Ashley, Bradley, Dorsey and Dallas. Eleventh - Desha, Arkansas, Lincoln and Jefferson.

Until otherwise provided by the General Assembly, the Circuit Courts shall be begun and held in the several counties as follows :

First Circuit

White - First Monday in February and August. Woodruff - Third Monday in February and August.

Prairie - Second Monday after the third Monday in February and August. Monroe - Sixth Monday

after third Monday in February and August. St. Francis - Eighth Monday after the third Monday in

February and August. Lee - Tenth Monday after the third Monday in February and August.

Phillips - Twelfth Monday after the third Monday in February and August.

Second Circuit

Mississippi - First Monday in March and September. Crittenden - Second Monday in March and September. Cross - Second Monday after the second Monday in March and September.

Poinsett - Third

Monday after the second Monday in March and September. Craighead - Fourth Monday after the

second Monday in March and September. Greene - Sixth Monday after the second Monday in March

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and September. Clayton - Seventh Monday after the second Monday in March and September.

Randolph - Ninth

Transcript of 1874 Arkansas Constitution, Arkansas State Archives, Little Rock, Arkansas.

Monday after the second Monday in March and September.

Third Circuit

Jackson - First Monday in March and September. Lawrence - Fourth Monday in March and September.

Sharp - Second Monday after the fourth Monday in March and September. Fulton - Fourth Monday after the fourth

Monday in March and September. Baxter - Sixth Monday after the fourth Monday in March and September.

Izard - Seventh Monday after the fourth Monday in March and September. Stone - Ninth Monday after the fourth

Monday in March and September. Independence - Tenth Monday after the fourth Monday in March and September

Fourth Circuit.

Marion - Second Monday in February and August. Boone, third Monday in February and August.

Searcy - Second Monday after the third Monday in February and August. Newton - Third Monday

after the third Monday in February and August. Carroll - Fourth Monday after the third Monday in

February and August. Madison - Fifth Monday after the third Monday in February and August. Benton -

Sixth Monday after the third Monday in February and August. Washington - Eighth Monday after the third

Monday in February and August.

Fifth Circuit.

Greenwood District, Sebastian county - Third Monday in February and August. Fort Smith District, Sebastian county - First Monday after the fourth Monday in February and August.

Crawford county -

Fourth Monday after the fourth Monday in February and August. Franklin county - Sixth Monday after the

fourth Monday in February and August. Sarber county - Eighth Monday after the fourth Monday in February

and August. Yell county - Tenth Monday after the fourth Monday in February and August. Pope county - Twelfth Monday after the fourth Monday in February and August. Johnson county - Fourteenth

Monday after the fourth Monday in February and August.

Sixth Circuit.

In the county of Pulaski on the first Monday in February, and continue twelve weeks if the business of said court require it.

In the county of Lonoke, on the first Monday succeeding the Pulaski court, and continue two weeks if the business of said court require it.

In the county of Faulkner on the first Monday after the Lonoke court, and continue two weeks if

the business of said court require it.

In the county of Van Buren on the first Monday after the Faulkner court, and continue two weeks if the business of said court require it.

Fall Term, Sixth Circuit

In the county of Pulaski on the first Monday in October, and continue seven weeks if the business of said court require it.

In the county of Lonoke on the first Monday next after the Pulaski court, and continue two weeks if the business of said court require it.

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In the County of Faulkner, on the first Monday after the Lonoke court, and continue one week if the

business of said court require it. In the county of Van Buren on the first Monday after the Faulkner Court, and

continue one week if the business of said court require it.

Seventh Circuit.

Hot Springs - Second Monday in March and September. Grant - Third Monday in March and September.

Saline - Fourth Monday in March and September. Conway - Second Monday after fourth Monday in March

and September. Perry - Fourth Monday after the fourth Monday in March and September.

Garland - Fifth

Monday after the fourth Monday in March and September.

Eighth Circuit

Montgomery - First Monday in February and August. Scott - First Monday after the first Monday in February and August. Polk - Second Monday after the first Monday in February and August.

Sevier - Third Monday after the first Monday in February and August. Little River - Fifth Monday after the first Monday in February and August. Howard - Seventh Monday after the first Monday in February and August. Pike - Eighth Monday after the first Monday in February and August.

Clark - Ninth Monday after the first Monday in February and August.

Ninth Circuit

Calhoun - First Monday in March and September. Union - Second Monday after the first Monday

in March and September. Columbia - Fourth Monday after the first Monday in March and September.

Lafayette - Sixth Monday after the first Monday in March and September. Hempstead - Eighth Monday

after the first Monday in March and September. Nevada - Eleventh Monday after the first Monday in

March and September. Ouachita - Thirteenth Monday after the first Monday in March and

September.

Tenth Circuit

Dorsey - Third Monday in February and August. Dallas first Monday in March and September.

Bradley - Second Monday in March and September. Ashley - Third Monday in March and September.

Drew - Second Monday after the third Monday in March and September. Chicot - Fourth Monday after the third Monday in March and September.

Eleventh Circuit.

In the county of Desha on the first Monday in March and September. In the County of Arkansas on the

fourth Monday in March and September. In the county of Lincoln on the third Monday after the fourth Monday

in March and September. In the county of Jefferson on the Sixth Monday after the fourth Monday in March and September.

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#### ARTICLE XIX.

Miscellaneous Provisions.

Sec. 1. No person who denies the being of a God shall hold any office in the civil departments of this State, nor be competent to testify as a witness in any Court.

Sec. 2. No person who may hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold any office in the state, for a period of ten years; and may be otherwise punished as the law may prescribe.

Sec. 3. No person shall be elected to, or appointed to fill a vacancy in any office, who does not possess the qualifications of an elector.

Sec. 4. All civil officers for the state at large shall reside within the state, and all district, county and township officers within their respective districts, Counties and townships, and shall keep their offices at such places therein as are now, or may hereafter be, required by law.

Sec. 5. All officers shall continue in office after the expiration of their official terms until their successors are elected and qualified.

Sec. 6. No person shall hold, or perform the duties of more than one office in the same department of the government

at the same time, except as expressly directed or permitted by this Constitution.

Sec. 7. Absence on business of the State, or of the United States, or on a visit, or on necessary private business, shall

not cause a forfeiture of residence once obtained.

Sec. 8. It shall be the duty of the General Assembly to regulate by law in what cases, and what deductions from

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

Sec. 9. The General Assembly shall have no power to create any permanent State office, not expressly provided

for by this Constitution.

Sec. 10. Returns for all elections, for officers who are to be commissioned by the Governor, and for members of

the General Assembly, except as otherwise provided by this Constitution, shall be made to the Secretary of State.

Sec. 11. The Governor, Secretary of State, Auditor, Treasurer, Attorney General, Judges of the Supreme Court, Judges

of the Circuit Court, Commissioner of State lands, and Prosecuting Attorneys, shall each receive a salary

to be established by law, which shall not be increased or diminished during their respective terms; nor shall

any of them, except the prosecuting attorneys, after the adoption of this Constitution, receive to his own use

any fees, costs, perquisites of office, or other compensation; and all fees that may hereafter be payable by law

for any service performed by any officer mentioned in this section except Prosecuting Attorneys shall be

paid in advance into the State Treasury. Provided, that the salaries of the respective officers herein

mentioned shall never exceed per annum: For Governor the sum of \$4000.00: for Secretary of State the sum

of \$2500.00: for Treasurer the sum of \$3000.00: for Auditor the sum of \$3000.00: for Attorney General the

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sum of \$2500.00: For Commissioner of State Lands the sum of \$2500.00: For Judges of the Supreme Court, each the

sum of \$4000: For judges of the Circuit Courts and Chancellors, each the sum of \$3000.00: For Prosecuting Attorney

the sum of \$400.00: And provided further that the General Assembly shall provide for no increase of salaries

of its members which shall take effect before the meeting of the next General Assembly.

Sec. 12. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

Sec. 13. All contracts for a greater rate of interest than ten per centum per annum shall be void, as to principal and interest, and the General Assembly shall prohibit the same by law; but when no rate of interest is agreed upon the rate shall be six per centum per annum.

Sec. 14. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

Sec. 15. All stationery, printing, paper, fuel, for the use of the General Assembly and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor and Treasurer.

Sec. 16. All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor; or for providing for the care and keeping of paupers, where there are no alms houses, shall be given to the lowest responsible bidder, under such regulations as may be provided by law.

Sec. 17. The laws of this State, civil and criminal, shall be revised, digested, arranged, published and promulgated at such times, and in such manner as the General Assembly may direct.

Sec. 18. The General Assembly, by suitable enactments, shall require such appliances and means to be provided and used, as may be necessary to secure, as far as possible, the lives, health and safety of persons employed in mining, and of persons traveling upon railroads, and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

Sec. 19. It shall be the duty of the General Assembly to provide, by law, for the support of institutions

for the education of the deaf and dumb, and of the blind; and also for the treatment of the insane.

Sec. 20. Senators and Representatives and all Judicial and executive, state and county officers,

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and all other officers, both civil and military, before entering on the duties of their respective offices, shall

take and subscribe to the following oath or affirmation: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support

the Constitution of the United States, and the Constitution of the State of Arkansas, and that I will faithfully

discharge the duties of the office of \_\_\_\_\_ upon which I am now about to enter."

Sec. 21. The sureties upon the official bonds of all State officers shall be residents of, and have sufficient

property within, the State, not exempt from sale under execution, attachment or other process of any

court, to make good their bonds, and the sureties upon the official bonds of all county officers shall

reside within the counties where such officers reside, and shall have sufficient property therein, not

exempt from such sale, to make good their bonds.

Sec. 22. Either branch of the General Assembly, at a regular session thereof, may propose amendments to

this Constitution; and if the same be agreed to by a majority of all the members elected to each house,

such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months

immediately preceding the next general election for Senators and Representatives, at which time the same shall be submitted to the electors of the state, for approval or rejection; and if a majority

of the electors voting at such election adopt such amendments, the same shall become a part of this Constitution.

But no more than three amendments shall be proposed or submitted at the same time. They shall be so

submitted as to enable the electors to vote on each amendment separately.

Sec. 23. No officer of this State, nor of any county, city or town, shall receive directly or indirectly for salary,

fees and perquisites, more than Five thousand dollars, net profits per annum in par funds, and any and

all sums in excess of this amount shall be paid into the State, County, City or Town Treasury, as

shall hereafter  
be directed by appropriate legislation.

Sec. 24. The General Assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this Constitution.

Sec. 25. The present seal of the State shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this Constitution.

Sec. 26. Militia officers, officers of the Public Schools, and Notaries, may be elected to fill any executive or judicial office.

Sec. 27. Nothing in this constitution shall be so construed as to prohibit the General Assembly from authorizing assessments on real property for local improvements in towns and cities, under such regulations as may be prescribed by law; to be based upon the consent of a majority in value of the property holders owning

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property adjoining the locality to be affected. But such assessments shall be ad valorem and uniform.

Schedule.

Sec. 1. All laws now in force, which are not in conflict or inconsistent with this Constitution, shall continue in force until amended or repealed by the General Assembly, and all laws exempting property from sale on execution or by decree of a court; which were in force at the time of the adoption of the Constitution of 1868, shall remain in force with regard to contracts made before that time. Until otherwise provided by law, no distinction shall exist between Sealed and unsealed instruments, concerning contracts between individuals, executed since the adoption of the Constitution of 1868; Provided, that the statutes of limitation with regard to sealed and unsealed instruments in force at that time, continue to apply to all instruments afterwards executed until altered or repealed.

Sec. 2. In civil actions, no witness shall be excluded because he is a party to the suit, or interested in the issue to be tried; Provided, That in actions by or against executors, administrators or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements

of the testator, intestate or ward, unless called to testify thereto by the opposite party;  
Provided, further, that this section  
may be amended or repealed by the General Assembly.

Sec. 3. An election shall be held at the several election precincts of every county in the state, on  
Tuesday, the 13th  
day of October, 1874, for Governor, Secretary of State, Auditor, Treasurer, Attorney General,  
Commissioner of State  
Lands for two years, unless the office is sooner abolished by the General Assembly, Chancellor,  
and Clerk of the  
Separate Chancery Court of Pulaski County, Chief Justice and two Associate Justices of the  
Supreme  
Court, a Circuit Judge and Prosecuting Attorney for each Judicial Circuit provided for in this  
Constitution,  
Senators and Representatives to the General Assembly, all County and Township officers  
provided for in this  
Constitution; and also for the submission of this Constitution to the qualified electors of the  
State, for its adoption  
or rejection.

Sec. 4. The qualifications of voters at the election to be held as provided in this schedule shall  
be the same as is  
now prescribed by law.

Sec. 5. The State Board of Supervisors hereinafter mentioned shall give notice of said election  
immediately after the  
adoption of this Constitution by this Convention, by proclamation in at least two newspapers  
published at Little  
Rock, and such other newspapers as they may select. And each County Board of Supervisors  
shall give public  
notice, in their respective counties, of said election, immediately after their appointment.

Sec. 6. The Governor shall also issue a proclamation enjoining upon all peace officers the duty  
of preserving  
good order on the day of said election, and preventing any disturbance of the same.

Sec. 7. Augustus H. Garland, Gordon N. Peay and Dudley E. Jones are hereby constituted a State  
Board of

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Supervisors of said election, who shall take an oath faith fully and impartially to discharge the  
duties of their office, a majority  
of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a  
vacancy occur in said Board  
by refusal to serve, death, removal, resignation or otherwise, or if any member should become  
incapacitated from performing

said duties, the remaining members of the Board shall fill the vacancy by appointment. But if all the places on said Board become vacant at the same time, the said vacancies shall be filled by the President of this Convention.

Sec. 8. Said State Board shall at once proceed to appoint a Board of Election Supervisors for each county of this State, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the State Board. A majority of each Board shall constitute a quorum, and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the State Board.

Sec. 9. The State Board shall provide the form of poll-books, and each County Board shall furnish the Judges of each election precinct with three copies of the poll-books in the form prescribed; and with ballot boxes, at the expense of the County.

Sec. 10. The State Board of Supervisors shall cause to be furnished in pamphlet form a sufficient number of copies of this Constitution to supply each County Supervisor and Judge of election with a copy, and shall forward the same to the county election boards for distribution.

Sec. 11. The Boards of County Election Supervisors shall at once proceed to appoint three Judges of election for each election precinct in their respective counties, and the judges shall appoint three election clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the Judges of any election precinct fail to attend at the time and place provided by law, or decline to act, the assembled electors shall choose competent persons, in the manner provided by law, to act in their place, who shall be sworn as above.

Sec. 12. Said election shall be conducted in accordance with existing laws except as herein provided. As the electors present themselves at the polls to vote, the judges of the election shall pass upon their qualifications, and the clerks of the election shall register their names on the poll books, if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the Constitution of this State, and then,

their votes shall be taken.

Sec. 13. Each elector shall have written or printed on his ticket "For Constitution" or "Against Constitution" and

also the offices and the names of the candidates for the offices, for whom he desires to vote.

Sec. 14. The judges shall deposit the tickets in the ballot box; but no elector shall vote outside of the township

or ward in which he resides. The names of the electors shall be numbered, and the corresponding numbers shall

be placed on the ballots by the judges when deposited.

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Sec. 15. All dram shops and drinking houses in this State, shall be closed during the day of said election, and the

succeeding night; and any person selling or giving away intoxicating liquors during said day or night, shall be punished

by fine not less than two hundred dollars for each and every offence, or imprisoned not less than six months, or both.

Sec. 16. The polls shall be opened at eight o'clock in the forenoon, and shall be kept open until sunset. After the polls

are closed the ballots shall be counted by the judges at the place of voting, as soon as the polls are closed, unless

prevented by violence or accident; and the results by them certified on the poll books, and the ballots sealed up. They

shall be returned to the County Board of Election Supervisors, who shall proceed to cast up the votes and ascertain

and state the number of votes cast for the Constitution, and the number cast against the Constitution, and

also the number of votes cast for each candidate voted for, for any office, and shall forthwith forward to the State

Board of Supervisors duly certified by them, one copy of the statement or abstracts of the votes so made out by them,

retain one copy in their possession, and file one copy in the office of the county clerk, where they shall also deposit for

safe-keeping the ballots sealed up, and one copy of the poll books, retaining possession of the other copies.

Sec. 17. The State Board of Supervisors shall at once proceed, on receiving such returns from the County Board, to

ascertain therefrom and state the whole number of votes given for the Constitution, and the whole number given

against it; and if a majority of all votes cast be in favor of the Constitution, they shall at once make public

that fact by publication in two or more of the leading newspapers published in the city of Little Rock, and this Constitution from that date shall be in force; and they shall also make out and file in the office of Secretary of State an abstract of all the votes cast for the Constitution, and all the votes cast against it; and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the Secretary of State, showing the candidates elected. They shall also make out and certify, and lay before each House of the General Assembly a list of the members elected to that House; and shall also make out, certify and deliver to the Speaker of the House of Representatives, an abstract of all votes cast at the election for any and all persons for the office of Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, and the said speaker shall cast up the votes, and announce the names of the persons elected to these offices. The Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General and Commissioner of State Lands, chosen at said election, shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

Sec. 18. All officers shown to be elected by the abstract of said election filed by the State Board of Supervisors in the office of the Secretary of State, required by this Constitution to be commissioned, shall be commissioned by the Governor.

Sec. 19. At said election the qualified voters of each county and Senatorial District as defined in article eight of this Constitution, shall elect respectively Representatives and Senators according to the numbers and apportionment

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contained in said article. The Board of Election Supervisors of each county shall furnish certificates of election to the person or persons elected to the House of Representatives as soon as practicable after the result of the election has been ascertained, and such Board of Election Supervisors in each county shall make a correct return of the election for Senator or Senators to the Board of Election Supervisors of the county first named in the Senatorial

apportionment, and said Board shall furnish certificates of election to the person or persons elected as Senator or Senators in said Senatorial district as soon as practicable.

Sec. 20. All officers elected under this Constitution, except the Governor, Secretary of State, Auditor of State, Treasurer, Attorney General and Commissioner of State Lands, shall enter upon the duties of their several offices when

they shall have been declared duly elected by said State Board of Supervisors, and shall have duly qualified.

All such officers shall qualify and enter upon the duties of their offices within fifteen days after they

have been duly notified of their election.

Sec. 21. Upon the qualification of the officers elected at said election, the present incumbents of the offices

for which the election is held shall vacate the same and turn over to the officers thus elected and qualified, all books,

papers, records, moneys and documents belonging or pertaining to said offices by them respectively held.

Sec. 22. The first Session of the General Assembly under this Constitution shall commence on the first Tuesday after

the second Monday in November 1874.

Sec. 23. The County Courts provided for in this Constitution shall be regarded in law, as a continuation of the Boards of

Supervisors now existing by law, and the circuit courts shall be regarded in law as continuations of the Criminal

Courts wherever the same may have existed in their respective counties; and the Probate Courts shall be regarded

as continuations of the circuit courts for the business within the jurisdiction of such probate courts, and the

papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no

suit or prosecution of any kind shall abate because of any change made in this Constitution.

Sec. 24. All officers now in office whose offices are not abolished by this Convention, shall continue in office

and discharge the duties imposed on them by law, until their successors are elected and qualified under

this Constitution. The office of Commissioner of State Lands shall be continued, provided that the

General Assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.

Sec. 25. Any election officer appointed under the provisions of this schedule, who shall fraudulently and corruptly permit any person to vote illegally, or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the Penitentiary not less than five years, nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate

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prevent any elector by threats, menace or promises from voting, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

Sec. 26. All officers elected at the election provided for in this Schedule shall hold their offices for the respective periods, provided for in the foregoing Constitution, and until their successors are elected and qualified. The first general elections after the ratification of this Constitution shall be held on the first Monday of September A. D.

1876. Nothing in this Constitution and the Schedule thereto, shall be so construed as to prevent the election of Congressmen at the time as now prescribed by law.

Sec. 27. The sum of five thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated to defray the expenses of the election provided for in this Schedule, and the Auditor of State shall draw his warrant on the Treasurer for such expenses, not exceeding said amount, on the Certificate of the State Board of Supervisors of election

Sec. 28. For the period of two years from the adoption of this Constitution, and until otherwise provided by law the respective officers herein enumerated shall receive for their services the following salaries per annum. For Governor the sum of \$3500.00: For Secretary of State the sum of \$2000.00: For Treasurer the sum of \$2500.00: For Auditor the sum of \$2500.00: For Attorney General the sum of \$2000.00: For Commissioner of State Lands the sum of \$2000.00: For Judges of the Supreme Court, each the sum of \$3500.00: For Judges of the Circuit and

Transcript of 1874 Arkansas Constitution, Arkansas State Archives, Little Rock, Arkansas.

Chancery Courts, each the sum of \$2500.00: For Prosecuting Attorneys, each the sum of \$400.00: For members of the General Assembly the sum of \$6.00 per day, and twenty cents per mile for each mile travelled in going to and returning from the seat of Government, over the most direct and practicable route.

Done in Convention, at Little Rock, the Seventh day of September in the year of our Lord One Thousand

eight hundred and seventy four, and of the Independence of the United States the ninety-ninth.

In witness whereof, we have hereunto subscribed our names.

Grandison D. Royston

President of the Convention, and

Delegate from the County of Hempstead:

Thomas W. Newton

Secretary.

A. M. Rodgers Delegate from Benton County

Horace H. Patterson Delegate from Benton County

W. W. Baily Delegate from Boone County

Jno. R. Hampton Delegate from Bradley County

John W. Cypert Delegate from Baxter County

Bradley Bunch Delegate from Carroll County

Jesse A. Ross Delegate from Clark County

H. F. Thomason " " Crawford "

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W. D. Leiper Delegate from Dallas County

Wm. J. Thompson Delegate from Woodruff County

James A. Gibson Delegate from Arkansas County

Henry W. Carter Delegate from Pike County

Daniel F. Reinhardt Delegate from Prairie County

Elijah Moseley Delegate from Ouachita County

Stephen C. Bates Delegate from Polk County

G. P. Smoote Delegate from Columbia County

D. L. Killgore Delegate from Columbia County

William S. Hanna Delegate from Conway County

John S. Anderson Delegate from Craighead County

J. G. Frierson Delegate from Cross County

E. Foster Brown Delegate from Clayton County

Jas. P. Stanley Delegate from Drew County

John Niven Delegate from Dorsey County

William W. Mansfield Delegate from the County of Franklin

John Dunaway Delegate from the County of Faulkner  
Davidson D. Cunningham Delegate from the County of Grant  
Ben. H. Crowley Delegate from the County of Greene  
H. M. Rector Delegate from Garland County  
Jno. R. Eakin Delegate from Hempstead County  
W. C. Kelly Delegate from Hot Spring County

J. W. Butler Delegate from Independence County  
James Rutherford Delegate from Independence County  
Ransom Gulley Delegate from Izard County  
Franklin Doswell Delegate from Jackson County  
Jno. A. Williams Delegate from Jefferson County  
Seth J. Howell Delegate from Johnson County  
Philip K. Lester Delegate from Lawrence County

J. H. Williams Delegate from Little River County  
J. P. Eagle Delegate from Lonoke County  
Reason G. Puntney Delegate from Lincoln County  
Monroe Anderson Delegate from Lee County  
John Carroll Delegate from Madison County  
S. P. Hughes Delegate from Monroe County  
Nicholas W. Cable Delegate from Montgomery County  
Charles Bowen Delegate from Mississippi County  
R. K. Garland Delegate from Nevada County  
Henry G. Bunn Delegate from Ouachita County  
W. H. Blackwell Delegate from Perry County  
Jno. J. Horner Delegate from Phillips County  
Jno. R. Homer Scott Delegate from the County of Pope  
John Miller, Jr. Delegate from the County of Randolph  
Sidney M. Barnes Delegate from the County of Pulaski  
Jabez M. Smith Delegate from Saline County  
Ben. B. Chism Delegate from the County of Sarber  
J. W. Sorrels Delegate from Scott County  
W. S. Lindsey Delegate from Searcy County  
R. P. Pulliam Delegate from Sebastian County  
W. M. Fishback Delegate from Sebastian County  
B. H. Kinsworthy Delegate from Sevier County  
Lewis Williams Delegate from Sharp County  
John M. Parrott Delegate from Saint Francis County  
Walter J. Cagle Delegate from Stone County  
Horatio G. P. Williams Delegate from Union County

Robt. Goodwin Delegate from Union County  
A. R. Witt Delegate from Van Buren County  
R. P. Polk Delegate from Phillips County  
T. W. Thomason Delegate from Washington County

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Benjamin F. Walker Delegate from  
Washington County  
M. F. Lake, Delegate from Washington County  
Jesse N. Cypert Delegate from White County  
J. W. House Delegate from White County  
Joseph T. Harrison Delegate from Yell County  
Marcus L. Hawkins Delegate from Ashley County  
Edwin R. Lucas Delegate from Fulton County  
Benjamin W. Johnson Delegate from Calhoun County  
Roderick Joyner Delegate from Poinsett County

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ORDINANCE.

Be it ordained by the people of Arkansas in Convention assembled

Sec. 1. That the United States currency and United States Bonds now in the Treasury of the State, belonging to the School and other funds of this State, except moneys divided from the proceeds of the sale of lands donated to this State by the United States for school purposes be and are hereby borrowed to defray the necessary current expenses of the several departments of the State.

Sec. 2. That the expenses of this Convention, except the mileage and per diem of Delegates and also the necessary expenses of the several Departments of the Government which shall accrue after the passage of this ordinance except the salaries of State officers, shall be paid out of said funds, provided that the several State offices, until otherwise provided by law, shall not be entitled to more than the following amount as such expenses to wit: That of the Governor \$50 per month: That of Secretary of State \$40. per month: That of the Commissioner of State Lands \$75. per month; That of the Commissioner of Public Works \$10 per month: That of the Auditor \$120 per month: That of the Treasurer \$100 per month: That of the Attorney General \$25 per month: That of the Commissioner of Education \$25 per month:

Sec. 3. That the Salaries of all clerks and employees in the various departments of the State Government which are now due, or which may hereafter accrue, shall be paid out of said fund, provided, that first class clerks shall hereafter receive, until otherwise provided by law, the sum of one hundred dollars per month, and second class clerks the sum of Seventy five dollars per month.

Sec. 4. Until otherwise provided by law, the office of the Auditor shall be hereafter entitled to three (3) first class and two (2) Second class clerks only. The office of Treasurer two (2) first and two (2) second class clerks only. The office of Commissioner of Immigration and State Lands to two (2) first and two (2) second class clerks only. The office of the Secretary of State to one (1) first and one (1) second class clerk only. The office of Commissioner of Public Works to one (1) second class clerk only. That to pay salaries and contingent expenses of the Deaf-Mute Asylum there shall be allowed not exceeding one thousand dollars per month. Of the Blind Institute not exceeding one thousand dollars per month, until otherwise provided by law.

Sec. 5. That the Auditor shall issue no warrants on the Treasurer for materials or supplies furnished or labor performed or on any other account unless he shall be satisfied that the account presented is at customary rates therefor in currency.

Sec. 6 That the Treasurer of this State shall not after the adoption of this ordinance, issue any State Scrip, Treasurer Certificates or other evidences of indebtedness in payment of any liability of this State which shall accrue after the adoption of this ordinance, except for the Salaries of State office, payable out of the State Treasury, and the milage and per diem of the delegates of this Convention.

Sec. 7. That the General Assembly shall provide by law for reimbursing the School and other funds borrowed in

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pursuance of this ordinance. The provisions of this ordinance shall only remain in force until the Legislature shall otherwise provide, and if the Legislature shall fail to act, then only for thirty days after he Legislature shall meet.

Adopted Aug. 13th 1874

Thomas W. Newton

Secretary

Grandison D. Royston president  
of the Convention

ORDINANCE.

Be it ordained by the Constitutional Convention of the State of Arkansas

That the ordinance passed by this Convention on the 13th of August last be and the same is hereby rescinded

except in so far as it relates to the number, class and pay of clerks employed in the several State departments.

Adopted Sept. 4th 1874

Thomas W. Newton

Secretary

Grandison D. Royston president  
of the Convention

ORDINANCE.

Be it ordained by the Constitutional Convention of the State of Arkansas

That the County of Stone be attached to and made part of the first congressional district. And that the Counties of Dorsey and Howard be attached to and made part of the Second congressional district. And that the Counties of Faulkner and Garland be attached to and made part of the third congressional district. And that the County of Baxter be attached to and made part of the fourth congressional district. And that the above named Counties shall vote in the districts as above assigned and directed in all congressional elections until otherwise provided by law. And that this ordinance take effect and be in force from and after its passage.

Adopted Sept. 5th 1874

Thomas W. Newton

Secretary

Grandison D. Royston president of the Convention

Be it ordained by the people of the State of Arkansas in Convention assembled

Sec. 1. That the office of Lieutenant Governor of the State be and the same is hereby abolished.

Sec. 2. That the office of Superintendent of the Penitentiary be and the same hereby abolished, and it shall be the duty

of the Governor to see that the lessee of the Penitentiary faithfully executes his contract.

Sec. 3. That the office of Commissioner of Public Works and Internal Improvements be and the same is hereby abolished,

and it shall be the duty of the Commissioner now holding the office to deposit in the office of Secretary of State

for safe keeping all the books, papers and records of the office and take a Schedule receipt therefor.

Sec. 4. That the office of Superintendent of Public Instruction be and the same is hereby abolished, and it shall

be the duty of the Superintendent now holding said office to turn over to the Auditor all the books, papers,

records and furniture of his office and take a Schedule receipt therefor.

Sec. 5. That the office of the Insurance Commissioner of Arkansas be and the same is hereby abolished

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and it shall be the duty of the person holding said office to deposit in the office of Secretary of State all the books,

papers, records, bonds and securities in said office and take a Schedule receipt therefor.

Sec. 6. The office of Warden of the Penitentiary be and the same is hereby abolished.

The office of Store Keeper to the Penitentiary be and the same is hereby abolished.

Adopted September 7th 1874.

Thomas W. Newton

Secretary

Gradison D. Rouston President  
of the Convention

ORDINANCE.

Be it ordained by the people of the State of Arkansas in Convention assembled  
That the Secretary of this Convention be and is hereby authorized and directed to distribute the  
printed copies of the Constitution (except those to be distributed by the State Board of  
Supervisors)

to the delegates of this Convention according to the voting population of Several Counties in  
this

State and that a sufficient sum of money is hereby appropriated to pay the necessary expenses  
in

making such distribution

Adopted September 7th 1874

Thomas W. Newton

Secretary

Gradison D. Royston

President of the Convention