Constitution of Alabama.

We, the people of the Alabama Territory, having the right of Admission into the General Government, as a member of the Union, consistent with the Constitution and Laws of the United States, by Our Representatives, assembled in Convention at the Town of Huntsville, on Monday the fifth day of July One thousand eight hundred and nineteen, In pursuance of an Act of Congress, entitled "An Act to enable the people of "the Alabama Territory to form a Constitution and State Government, and "for the Admission of such State into the Union, on an equal footing with "the Original States;" In order to establish Justice, ensure Tranquility, provide for the common Defence, promote the general welfare, and secure to ourselves and our posterity, the rights of life, liberty and property, Do Ordain and Establish the following **Constitution**, or form of Government, and do mutually agree with each other to form ourselves into a Free and Independent State, by the name of "**The State of Alabama**": And we do hereby recognise, confirm, and establish, the boundaries assigned to said State, by the Act of Congress aforesaid, to wit; "Beginning at the point where the Thirty "first degree of north Latitude intersects the Perdido river; thence east to the "western boundary line of the State of Georgia; thence along said line to the "southern boundary line of the State of Tennessee; thence west along said boundary "line to the Tennessee river; thence up the same to the mouth of Bear Creek; "thence by a direct line to the northwest corner of Washington County; thence "due south to the Gulph of Mexico; thence eastwardly, including all Islands, "within six leagues of the shore, to the Perdido river; and thence up the "same to the beginning;" subject to such alterations, as is provided in the third section of said Act of Congress, and subject to such enlargement as may be made by law, in consequence of any Cession of Territory by the United States, or either of them.

Article 1st

Declaration of Rights.

That the general, great, and essential principles of Liberty and free Government, may be recognized and established, We Declare

Sec. 1 That all free men, when they form a social compact, are equal in rights: and that no man, or set of men, are entitled to exclusive, separate, public emoluments, or privileges, but in consideration of public services.

Sec. 2 All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and, therefore, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

Sec. 3 No person within this State shall, upon any pretence, be deprived of the inestimable privilege of Worshipping God in the manner most agreeable to his own Conscience, nor be compelled to attend any place of Worship; nor shall any one ever be obliged to pay any tithes, taxes, or other rate, for the building, or repairing, any place of Worship, or for the maintenance of any Minister, or Ministry.

Sec. 4 No human authority ought, in any case whatever, to control, or interfere with the rights of Conscience.

Sec. 5 No person shall be hurt, molested, or restrained, in his religious profession, sentiments, or persuasion; provided he does not disturb others in their religious worship.

Sec. 6 The civil rights, privileges, or capacities of any citizen shall, in no way, be diminished, or enlarged, on account of his religious principles.

Sec. 7th There shall be no establishment of Religion, by Law; no preference shall ever be given, by law, to any religious sect, society, denomination, or mode of worship; and no religious test shall ever be required as a qualification to any office, or public trust, under this State.

Sec. 8 Every Citizen may freely speak, write, & publish his sentiments, on all subjects, being responsible for the abuse of that liberty.

Sec. 9th The people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures or searches; and no Warrant to search any place, or to seize any person, or thing, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath, or affirmation.

Sec. 10 In all criminal prosecutions the accused has a right to be heard, by himself and Counsel; to demand the nature and cause of the accusation, and have a copy thereof: to be confronted by the Witnesses

against him; to have compulsory process, for obtaining Witnesses in his favour;

against him; to have compulsory process for obtaining Witnesses in his favour; and in all prosecutions, by indictment, or information, a speedy, public trial, by an impartial Jury of the County, or district, in which the offence shall have been committed. he shall not be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law.

Sec. 11. No person shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished, but in virtue of a law, established & promulgated, prior to the Offence, and duly applied.

Sec. 12. No person shall, for any indictable offence, be proceeded against criminally, by information, except in cases arising in the Land, or Naval forces, or the Militia, when in actual service, or, by leave of the Court, for Oppression or misdemeanor in Office.

Sec. 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any persons property be taken, or applied to public use, unless just compensation be made therefor.

Sec. 14. All Courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy, by due course of law; and right and justice administered, without sale, denial, or delay.

Sec. 15. No power of suspending laws shall be exercised, except by the General Assembly, or its authority.

Sec. 16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. 17. All persons shall, before conviction, be bailable, by sufficient securities, except for capital offences, when the proof is evident, or the presumption great; and the privilege of the writ of "habeas corpus" shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety may require it.

Sec. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be retained in Prison, after delivering up his estate, for the benefit of his creditors, in such manner as shall be prescribed by law.

Sec. 19. No ex-post facto law nor law impairing the obligation of Contracts, shall be made.

Sec. 20. No person shall be attainted of treason, or felony, by the General Assembly: No Attainder shall work corruption of blood, nor forfeiture of estate.

Sec. 21. The estates of Suicides shall descend, or vest, as in cases of natural death: if any person shall be killed by casualty, there shall be no forfeiture, by reason thereof.

Sec. 22. The Citizens have a right, in a peaceable manner, to assemble together, for their common good, and to apply to those invested with the powers of Government, for redress of grievances

or other proper purposes by petition, address, or remonstrance.

Sec. 23 Every citizen has a right to bear arms, in defence of himself and the State.

Sec 24 - No standing army shall be kept up, without consent of the General Assembly; and, in that case, no appropriation of money, for its support, shall be for a longer term than one year: And the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 25. No soldier shall, in time of peace, be quartered in any house, without the consent of the Owner; nor, in time of War, but in a manner to be prescribed by law.

Sec. 26. No title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted, or conferred, in this State; nor shall any office be created, the appointment of which shall be for a longer term, than during good behaviour.

Sec. 27 - Emigration from this State shall not be prohibited, nor shall any citizen be exiled.

Sec. 28. The right of trial by Jury shall remain inviolate.

Sec. 29. No person shall be debarred from prosecuting, or defending, any civil cause, for, or against him, or herself, before any tribunal in this State, by him, or herself, or counsel.

Sec. 30. This enumeration of certain 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 high powers herein delegated, We declare, that every thing, in this Article, is excepted out of the general powers of government, and shall forever remain inviolate: and that all laws contrary thereto, or to the following provisions, shall be void.

Article II.

Distribution of Powers.

Sec. 1. The powers of the government of the State of Alabama, shall be divided into three distinct departments, and each of them 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 those

departments, shall exercise any power, properly belonging to either of the others, except in the instances hereinafter expressly directed, or permitted.

Article III.

Legislative Department.

Sec. 1. The Legislative power of this State shall be vested in two distinct branches: the one to be styled the Senate, the other the House of Representatives; and both together, the "General Assembly of the State of Alabama;" and the style of their laws shall be, "Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened."

Sec. 2. The members of the house of Representatives shall be chosen, by the qualified electors, and shall serve, for the term of one year, from the day of the commencement of the general election, and no longer.

Sec. 3. The Representatives shall be chosen every year, on the first Monday and the day following in August, until otherwise directed by law.

Sec. 4. No person shall be a Representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State two years, next preceding his election, and the last year thereof a resident of the County, City, or Town, for which he shall be chosen, and shall have attained the age of Twenty-one years.

Sec. 5. Every white male person, of the age of Twenty one years, or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months within the County, City, or Town in which he offers to vote, shall be deemed a qualified elector: provided, that no Soldier, Seaman, or Marine, in the regular army, or navy of the United States, shall be entitled to vote at any election in this State: and, provided, also, that no elector shall be entitled to vote, except in the County, City, or Town, (entitled to separate representation) in which he may reside at the time of the election.

Sec. 6. Electors shall, in all cases except in those of Treason, Felony, or Breach of the Peace, be privileged from arrest, during their attendance at elections, and in going to, and returning from, the same.

Sec. 7. In all elections by the people, the electors shall vote by ballot, until the General Assembly shall otherwise direct.

Sec. 8. Elections for Representatives, for the several Counties, shall be held at the place of holding their respective Courts, and at such other places as may be prescribed by law: provided, that when it shall appear to the General Assembly, that any City, or Town shall have a

number of white inhabitants, equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of white inhabitants therein, which shall be retained so long as such City, or town shall contain a number of white inhabitants, equal to the ratio, which may from time to time be fixed by law; and hereafter, ascertaining the existence of the right of separate representation, in such city or town, elections for the County, in which such City, or town, entitled to such separate representation, is situated, shall not be held in such city, or town: but it is understood, and hereby declared, that no city, or town, shall be entitled to separate representation, unless the number of white inhabitants in the County, in which such City or town is situated, residing out of the limits of said City, or town, be equal to the existing ratio; or unless the residuum, or fraction, of such City, or Town, shall, when added to the white inhabitants of the County, residing out of the limits of said City, or town, be equal to the ratio, fixed by law, for one representative; and provided, that if the residuum or fraction of any city, or town, entitled to separate representation, shall, when added to the residuum of the County in which it may lie be equal to the ratio, fixed by law, for one representative, then the aforesaid County, City, or Town, having the largest residuum, shall be entitled to such representation; and provided, also, that when there are two or more Counties adjoining, which have residuums, or fractions, over & above the ratio then fixed by law, if said residuums or fractions, when added together, will amount, to such ratio, in that case, one representative shall be added to that County having the largest residuum.

Sec. 9. The General Assembly shall, at their first meeting, and in the years One thousand eight hundred and twenty, One thousand eight hundred and Twenty-three, One thousand eight hundred and Twenty six, and every six years thereafter, cause an enumeration to be made of all the inhabitants of the State: and the whole number of the representatives shall at the first Session, held after making every such enumeration, be fixed by the General Assembly, and apportioned among the several Counties, cities, or towns, entitled to separate representation, according to their respective number of white inhabitants; and the said apportionment, when made, shall not be subject to alteration, until after the next Census shall be taken. The House of Representatives shall not consist of less than Forty-four, nor more than Sixty members, until the number of white inhabitants shall be one hundred thousand, and after that event, the whole number of representatives shall never be less than Sixty, nor more than One hundred: provided, however, that each County shall be entitled to at least one representative.

Sec. 10. The General Assembly shall, at the first session, after making every such enumeration, fix, by law, the whole number of Senators, and shall divide the State into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one Senator, and no more: provided, that the whole number of Senators shall never be less than one fourth, nor more than one third of the whole number of representatives.

Sec. 11. When a Senatorial district shall be composed of two, or more Counties, the Counties of which such District consists shall not be entirely separated, by any County belonging to another district, and no County shall be divided in forming a District.

Sec. 12. Senators shall be chosen by the qualified electors, for the time of three years, at the same time, in the same manner, and at the same places, where they may vote for members of the house of Representatives; and no person shall be a Senator, unless he be a white man, a Citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the District for which he shall be chosen, and shall have attained to the age of twenty seven years.

Sec. 13. The Senators chosen, according to the apportionment, under the Census, ordered to be taken in One thousand eight hundred and Twenty six, when convened, shall be divided by lot into three Classes, as nearly equal as may be; the seats of the Senators of the first class shall be vacated at the expiration of the first year; those of the second class at the expiration of the second year; and those of the third class at the expiration of the third year; so that one third may be annually chosen thereafter, and a rotation thereby kept up perpetually: such mode of classifying new, additional Senators shall be observed, as will, as nearly as possible, preserve an equality of numbers in each class.

Sec. 14. The House of Representatives, when assembled, shall choose a Speaker and its other officers; and the senate shall annually choose a President & its other officers; each house shall judge of the qualifications, elections, & returns of its own members; but a contested election, shall be determined in such manner, as shall be directed by law.

Sec. 15. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.