Engrossed.

The Constitution of the State of Alabama, as revised and amended by the Convention assembled at Montgomery, on the Twelfth day of September, A.D. One thousand Eight hundred and Sixty five.

Hall of the House of Representatives,
Montgomery, September 30th 1865.

Read and adopted.

Wm. H. Osborne.
Secretary of Convention.

The Constitution of the State of Alabama, as Revised and Amended by the Convention assembled at Montgomery on the 12th day of September A. D. 1865.

Preamble.

We the People of the State of Alabama by our Representatives in Convention assembled, in order to establish Justice, ensure domestic tranquility, provide for the common defence, promote the General welfare and secure to ourselves and our posterity the rights of life, liberty and property; invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of Government for the State of Alabama: that is to say:

Article I. Declaration of Rights.

That the general great and essential principles of liberty and free government, may be recognised and established, we declare.

Section 1. That no man and no set of men are entitled to exclusive seperate public emoluments or privileges, but in consideration of public services.

Section 2. That all political power is inherent in the People, and all free governments are founded on their authority and instituted for their benefit; and that therefore they have at all times an inalienable and indefeasible right to alter reform, or abolish their form of Government, in such manner as they may think expedient.

Section 3. That no person

within this State, shall upon any pretense whatever be deprived of the inestimable privilege of worshiping God in the manner most agreeable to his own conscience; nor be hurt, molested or restrained, in his religious profession, sentiments or persuasions; provided he does not disturb others in their religious worship.

Section 4. That no religion shall be established by Law; that no preference shall be given by Law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by Law to attend any place of worship; nor to pay any tithes, taxes, or other rate, for building or repairing any place of worship, or for maintaining any Minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 5. That every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 6. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures or searches; and that no warrant shall issue to search any place or to seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Section 7. That 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, to have a copy thereof, to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy public trial by an impartial jury of the County or District in which the offense was committed; and that he shall not be compelled to give evidence against himself, nor be deprived of his life, liberty, or property, but by due course of law.

Section 8. That 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 that no person shall be punished, but by virtue of a law established and promulgated prior to the offense and legally applied.

Section 9. That no person shall for any indictable offense, be proceeded against criminally by information; except in cases arising in the land and naval forces or in the Militia when in actual service, or, by leave of the Court, for oppression or misdemeanor in office; Provided that in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy and other misdemeanors, the General Assembly may by law, dispense with a Grand Jury, and authorise such prosecutions before Justices of the Peace, or such other inferior Courts as may be by law established; and the proceedings in such cases shall be regulated by law.

Section 10. That no person shall for the same offence, be twice put in jeopardy of life or limb.

Section 11. That no person shall be debarred from prosecuting or defending before

any tribunal in this State by himself or counsel, any civil cause to which he is a party.

Section 12. That the right of trial by jury shall remain inviolate.

Section 13. That in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court.

Section 14. That all Courts shall be open; and that every person, for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law, and right and justice administered without sale, denial or delay.

Section 15. That suits may be brought against the State, in such manner and in such Courts, as may be by law provided.

Section 16. That excessive fines shall not be imposed nor cruel punishments be inflicted.

Section 17. That all persons shall, before conviction be bailable by sufficient sureties, except for capital offenses, when the proof is evident, or the presumption great; and that excessive bail, shall not in any case be required.

Section 18. That 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.

Section 19. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, unless on the testimony of

two witnesses to the same overt act, or his own confession in open court.

Section 20. That no person shall be attainted of treason or felony by the General Assembly; and that no conviction shall work corruption of blood; or forfeiture of estate.

Section 21. That the estates of suicides shall descend, or vest, as in cases of natural death; and that, if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Section 22. That the person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate, for the benefit of his creditors, in such manner as shall be prescribed by law.

Section 23. That no power of suspending laws shall be exercised, except by the General Assembly, or by its authority.

Section 24. That no ex post facto law, nor any law impairing the obligation of contracts, shall be made.

Section 25. That private property shall not be taken or applied for public use, unless just compensation be made therefor; nor shall private property be taken for private use; or for the use of corporations, other than municipal, without the consent of the owner; Provided, however, that laws may be made securing to persons or corporations the right of way over the lands of other persons or corporations, and, for works of internal improvement, the right to establish depots, stations and turnouts; but just compensation shall, in such cases be first made to the owner.

Section 26. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply