Constitution of the State of Alabama.

as Revised and Amended by the Convention assembled at Montgomery on the Fifth day of January A.D. 1867.

Preamble.

WE, The People of the State of Alabama by our Representatives in Convention assembled, in order to establish justice, ensure domestic tranquillity, provide for the Common defence, promote the general welfare, and secure to ourselves, and to 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.

Article I "Declaration of Rights"

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

(Section First) That all men are created equal, That they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the pursuit of happiness. Section Second. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama possessing equal civil and political rights and public privileges.

Section. Third. 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

State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama possessing equal civil and political rights and public privileges—

Section. Third— 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 inherent right to change their form of government in such manner as they may deem expedient.

Section. Fourth. That no person shall be deprived of the right to worship God according to the dictates of his own conscience. Section Fifth— That no religion shall be established by law. Section Sixth That any citizen may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty. Section Seventh. 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 probable cause, supported by oath or affirmation. Section Eighth. That in all criminal prosecutions the accused has a right to be heard by himself and counsel or either, to demand the nature and cause of 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 offence was committed; and that he shall not be compelled to give evidence against himself, or be deprived of his life, liberty, or property, but by due course of law. Section Ninth. That no person shall be accused or 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 offence and legally applied. Section Tenth That no person shall for any indictable offence be proceeded against criminally by information except in cases arising in the land and naval service or in the militia when in actual service, or by leave of the Court for oppressions or misdemeanor in office: Provided— That in cases of petit larceny, assault, assault and battery, affray, unlawful assembly, vagrancy, and other misdemeanors, the "General assembly" may by law dispense with a grand jury and authorize such prosecutions, and

-sions 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 authorize such prosecutions — and proceedings before Justices of the Peace or such other inferior Courts as may be by law established, Section Eleventh — That no person shall for the same offence be twice put in jeopardy of life or [illegible] Section Twelfth That no person shall be debarred from prosecuting or defending — before any tribunal in the State by himself — or counsel any civil — cause to which he is a party — Section Thirteenth. That the right of trial by jury

shall remain inviolate Section Fourteenth That in prosecution 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 libel the jury shall have the right to determine the law and the facts under the direction of the Court. Section Fifteenth. That all Courts shall be open, that every person for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without Sale, denial or delay. Section Sixteenth, That suits may be brought against the State in such manner and in such courts as may be by law provided. Section Seventeenth. That excessive fines shall not be imposed or cruel punishment inflicted. Section Eighteenth That all persons shall before Conviction be bailable — by Sufficient Sureties except for capital offences when the proof is evident, or the presumption great, Excessive bail shall not in any case be required. — Section Nineteenth. The privilege of writ of "Habeas Corpus" shall not be suspended except when necessary for public Safety in times of Rebellion or Invasion — Section Twentieth. 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

Section Twentieth. 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 except on the testimony of two witnesses to the same overt act or his own confession in open court. Section Twenty First. That no person shall be attainted of treason by the General Assembly and that no Conviction shall work Corruption of blood or forfeiture of estate. Section Twenty Second. That no person shall be imprisoned for debt. Section Twenty Third. That no power of suspending laws shall be exercised except by the General Assembly or by its authority. Section Twenty Fourth. That no "Ex Post Facto" law, or any law impairing the obligation of contracts shall be made. Section Twenty Fifth 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, e.g. 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 turn-outs. but just compensation shall in all cases be first made to the owner. Section Twenty Sixth - That all navigable waters shall remain forever public highways, free to the citizens of the State and of the United States without Tax, impost or toll imposed, and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the Shores or any wharf erected on the shores or in, or over the waters of any navigable Stream unless the same be expressly authorized by the General Assembly. Section Twenty Seventh. That the Citizens have a right in a peaceable manner to assemble together for the common good and to apply to those invested with the power of government for redress of grievances or other purposes by petition, address, or remonstrance. Section Twenty Eighth That every citizen has

to apply to those invested with the power of government for redress of grievances or other purposes by petition, address, or remonstrance, Section Twenty Eighth That every citizen has a right to bear arms in defence of himself and the State Section Twenty ninth That no person who conscientiously scruples to bear arms shall be compelled to do so but may pay an equivalent for personal service Section Thirtieth That no standing army shall be kept up without the consent of the General Assembly, and in that case no appropriation 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. Section Thirty One That no soldier shall in time of peace be quartered in any house without the consent of the owner, or in time of war but in a manner to be prescribed by law. Section Thirty two That no title of nobility or hereditary distinction, honor, privilege, or emolument, shall ever be granted or conferred in this State, that no property qualification shall be necessary to the election to, or holding of, any office in this State and that no office shall be created, the appointment to which shall be for a longer time than during good behavior Section Thirty Three That emigration from this State shall not be prohibited; and that no citizen shall be exiled. Section Thirty four That temporary absence from the State shall not cause a forfeiture of residence once obtained. Section Thirty five That no form of Slavery shall exist in this State; and there shall be no involuntary servitude otherwise than for the punishment of crime, of which the party shall have been duly convicted Section Thirty sixth The right of suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influences from power, bribery, tumult, or other improper conduct Section Thirty Seventh That this State has no right to sever its relations to the Federal Union or to pass any law in derogation of the paramount allegiance of the citizens of this State to the government of the United States. Section Thirty Eighth That this enumeration of certain rights shall not impair or deny others retained by the People

Article II "State and County Boundaries"

Section First The boundaries of this State are established and declared to be as follows That is to

Citizens of this State to the Government of the United States. Section Thirty Eighth. That the enumeration of certain rights shall not impair or deny others retained by the People

Article II "State and County Boundaries"

Section First. The boundaries of this State are established and declared, to be as follows, That is to say, beginning at the point where the Thirty first degree of north latitude crosses 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 the Southern boundary line of the State of Tennessee, crossing the Tennessee River and on to the second intersection of said river by said line, thence up said river to the mouth of Big Bear Creek, thence by a direct line to the North-west corner of Washington County in this State as originally formed. Thence Southerly along the line of the State of Mississippi to the Gulf of Mexico. Thence Eastwardly including all islands within six leagues of the Shore to the Perdido River and thence up the said river to the beginning. Section Second. The General Assembly may by a two thirds vote of both Houses thereof arrange and designate boundaries for the several Counties of this State, which boundaries shall not be altered except by a like vote. But no new Counties shall be hereafter formed of less extent than six hundred square miles, and no existing County shall be reduced to less extent than six hundred square miles, and no new County shall be formed which does not contain a sufficient number of inhabitants to entitle it to one Representative under the rates of representation existing at the time of its formation or unless the County or Counties from which it is taken shall be left with the required number of inhabitants entitling such County or Counties to separate representation."

Article III "Distribution of Powers of Government"