

BUTLER TECHNOLOGY AND CAREER DEVELOPMENT SCHOOLS

English Language Arts and American Government Documents of Study

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SCHEDULE 64

The Federalist No. 10

Thursday, November 22, 1787

James Madison

To the People of the State of New York:

AMONG the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are

creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.

When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representatives too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect;

the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic, -- is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be

less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

Publius

Declaration of Independence

IN CONGRESS, JULY 4, 1776

The unanimous Declaration of the thirteen united States of America

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefit of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies

For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these united Colonies are, and of Right ought to be Free and Independent States, that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this

Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

Northwest Ordinance (1787)

An Ordinance for the government of the Territory of the United States northwest of the River Ohio.

Sec. 1. Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Sec. 2. Be it ordained by the authority aforesaid, That the estates, both of resident and nonresident proprietors in the said territory, dying intestate, shall descent to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next of kin in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighboring villages who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance, of property.

Sec. 3. Be it ordained by the authority aforesaid, That there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless

sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein in 1,000 acres of land, while in the exercise of his office.

Sec. 4. There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years unless sooner revoked; he shall reside in the district, and have a freehold estate therein in 500 acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department, and transmit authentic copies of such acts and proceedings, every six months, to the Secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in 500 acres of land while in the exercise of their offices; and their commissions shall continue in force during good behavior.

Sec. 5. The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary and best suited to the circumstances of the district, and report them to Congress from time to time: which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

Sec. 6. The governor, for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Sec. 7. Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of the magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

Sec. 8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

Sec. 9. So soon as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect a representative from their counties or townships to represent them in the general assembly: Provided, That, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty five; after which, the number and proportion of representatives shall be regulated by the legislature: Provided, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

Sec. 10. The representatives thus elected, shall serve for the term of two years; and, in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

Sec. 11. The general assembly or legislature shall consist of the governor, legislative council, and a house of representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together; and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and

commission to serve as aforesaid; and, whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill, or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when, in his opinion, it shall be expedient.

Sec. 12. The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity and of office; the governor before the president of congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district, the council and house assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating but not voting during this temporary government.

Sec. 13. And, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

Sec. 14. It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said territory and forever remain unalterable, unless by common consent, to wit:

Art. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

Art. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Art. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

Art. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed

upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and, in no case, shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

Art. 5. There shall be formed in the said territory, not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due North, to the territorial line between the United States and Canada; and, by the said territorial line, to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line, drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And, whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Art. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23rd of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the twelfth.

Preamble to the Constitution (1787)

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Bill of Rights: Original Ten Amendments

Passed by Congress September 25, 1789

Ratified December 15, 1791

Amendment I

Freedoms, Petitions, Assembly

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

Right to bear arms

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

Quartering of soldiers

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.

Amendment IV

Search and arrest

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

Rights in criminal cases

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

Right to a fair trial

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Amendment VII

Rights in civil cases

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Bail, fines, punishment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

Rights retained by the People

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X

States' rights

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendments 11-27

Amendment XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if

such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by section 3 of the 20th amendment.

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.

Amendment XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.

Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

Lincoln's Second Inaugural Address

March 4, 1865 - Washington, D.C.

Fondly do we hope—fervently do we pray—that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue, until all the wealth piled by the bond-men's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn by the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord, are true and righteous altogether."

With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations.

Twenty-Five Landmark Cases in Supreme Court History

Source: http://www.constitutionfacts.com/content/supremecourt/files/supremecourt_landmarkcases.pdf

Marbury v. Madison, 1803

“A law repugnant to the Constitution is void.”

With these words, Chief Justice John Marshall established the Supreme Court’s role in the new government. Hereafter, the Court was recognized as having the power to review all acts of Congress where constitutionality was at issue, and judge whether they abide by the Constitution.

McCulloch v. Maryland, 1819

“Let the end be legitimate ... and all means which are ... consistent with the letter and spirit of the Constitution, are constitutional .”

Chief Justice Marshall invoked this phrase to establish the right of Congress to pass laws that are “necessary and proper” to conduct the business of the U.S. government. Here, the court upheld Congress’ power to create a national bank.

Gibbons v. Ogden, 1824

When a federal and state law are in conflict, the federal law is supreme.

Congress and New York had both passed laws regulating the steamboat industry. Gibbons had a federal permit for a steamboat business; Ogden had a state permit for the same waters. Siding with Gibbons, the Court said that, in matters of interstate commerce, the “Supremacy Clause” tilts the balance of power in favor of federal legislation.

Charles River Bridge, 1837

The responsibility of government is to “sacredly guard” the rights of property for the prosperity of the community.

The Charles River Bridge was erected in 1785 by Harvard College and some prominent Bostonians under a legal charter granted by the state of Massachusetts. The legislature granted a charter to the Warren Bridge Company in 1828 because a new bridge was badly needed. It was to be free of tolls once construction costs were covered.

The proprietors of the Charles River Bridge were afraid that the new bridge would destroy the value of their stock and tried to block the construction of the Warren Bridge. The case involved a conflict between established rights on one side and the rights of the community on the other. The Court ruled that it had not entered into a binding contract with the Charles River Bridge Company that would prohibit the building of a competitive bridge. Justice Roger B. Taney stated that the rights of property must be “sacredly guarded”, the community also has rights, and the responsibility of all government is to promote the happiness and prosperity of the community.

Dred Scott v. Sandford, 1857

“The Constitution does not consider slaves to be U.S. citizens. Rather, they are constitutionally protected property of their masters.”

Chief Justice Roger Taney authored this opinion— one of the most important and scorned in the nation’s history. Dred Scott, a slave, had moved with his master to Illinois, a free state. He moved again to a slave state, Missouri, and filed suit to gain freedom, under that state’s law of “Once free, always free.” Taney held that Scott had never been free at all, and cited Constitutional grounds for placing the slavery decision in the hands of the states. In trying to put an end to the slavery controversy, Taney instead sped the nation toward civil war. The decision was later overturned by the Thirteenth Amendment.

Munn v. Illinois, 1877

Businesses that serve the public interest are subject to regulation by state government.

The Illinois state legislature passed a law that established the maximum rates that private companies could charge in storing or transporting agricultural products. In Chicago the company of Munn and Scott was found guilty of breaking the law and the verdict was upheld on appeal before the Supreme Court. The appeal was heard along with seven other railroad cases that dealt with the violation of the regulatory legislation passed by the state of Illinois. The Court ruled that any business that served the public interest was subject to regulation by the state government. If the rates were not satisfactory according to the owners of the companies, the complaints should be taken to the legislature and not to the courts.

Plessy v. Ferguson, 1896

Jim Crow laws are constitutional under the doctrine of ‘Separate but Equal.’

Police arrested Homer Plessy for refusing to leave a railroad car that prohibited “colored” people. Under Louisiana law, Plessy was “colored” because he was one-eighth black. The Court ruled that the race-based “Jim Crow” laws did not violate the Constitution as long as the states proffered separate but equal treatment.

“The Constitution is color blind, and neither knows nor tolerates classes among citizens.”

—Justice John Marshall Harlan, from the lone dissenting opinion in Plessy v. Ferguson

Lochner v. New York, 1905

The Constitution bars a state from interfering with an employee’s right to contract with an employer.

The above reasoning led to the “Lochner Era”—thirty-two years of wrangling between the court and legislatures. Lochner’s bakery violated a New York labor law. The court struck down the law, saying that the 14th Amendment’s Due Process Clause barred states from regulating commerce in this manner. This clause, the Court said, implied that individuals have a fundamental right to contract with employers, and states cannot interfere with that right.

Schenck v. United States, 1919

Speech that presents a “clear and present danger” to the security of the United States is in violation of the principle of free speech as protected by the First Amendment to the Constitution.

During World War I (1918), Charles Schenck was the general secretary of the Socialist Party, and was arrested for distributing literature discouraging young men from enlisting in the armed forces. The basis for his opposition to the draft or enlistment was the first clause of the Thirteenth Amendment which prohibited slavery or involuntary servitude.

Schenck appealed his conviction and the case went to the Supreme Court. Justice Oliver Wendell Holmes stated that “the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. [The] question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.” Distributing the literature during peace time would have been an entirely different matter, but in time of war Schenck’s actions, according to the Court, presented a “clear and present danger” to the security of the United States.

Near v. Minnesota, 1931

“The liberty of the press ... is safeguarded from invasion by state action.”

Although the First Amendment ensures a free press, until this case, it only protected the press from federal laws, not state laws. Minnesota shut down J. M. Near’s Saturday Press for publishing vicious antisemitic and racist remarks. In what is regarded as the landmark free press decision, the Court ruled that a state cannot engage in “prior restraint”; that is, with rare exceptions, it cannot stop a person from publishing or expressing a thought.

West Coast Hotel v. Parrish, 1937

“The switch in time that saved nine.”

F. D. R. rallied against the Court’s holdings in the Lochner era. The Court struck down New Deal laws, designed to pull the country out of the Depression, on grounds that they interfered with a worker’s “right to contract.” F. D. R. pledged to expand the Court and pack it with pro “New Deal” members. In this case, the Court rejected the Lochner era decisions and said the government could regulate commerce.

Brown v. Board of Education, 1954

“In the field of public education, the doctrine of ‘separate but equal’ has no place.”

This unanimous decision marked the beginning of the end for the “Separate But Equal” era that started with Plessy, and the start of a new period of American race relations. With Brown, desegregation of public schools began—as did resistance to it. Ten contentious years later, the Civil Rights Act of 1964 made racial equality a matter of federal law.

Mapp v. Ohio, 1961

Evidence that is illegally obtained by the state may not be used against a defendant in court.

Until Mapp, only the federal government was barred from using illegally obtained evidence. So when local police entered Dolly Mapp's home without a search warrant and arrested her for possessing obscene books, her conviction initially stood. The Court overturned her conviction, however, and extended the Constitutional rule to apply to the states and their subdivisions.

"I know it when I see it."

—Justice Potter Stewart's definition of obscenity in *Jacobellis v. Ohio*, 1964

Baker v. Carr, 1962

"One person, one vote."

The above phrase was not authored until a year after Baker, but it has its philosophical roots here. In this case, a group of Tennessee voters sued the state, claiming its voting districts diluted their political power. Until this point, the Court refused to decide this kind of case, leaving such "political questions" to the states. Baker, however, held that the states must meet a Constitutional standard for appointment: districts cannot be drawn in such a way that they violate the Equal Protection clause of the 14th Amendment.

Engel v. Vitale, 1962

Public institutions (i.e., a school system) cannot require prayer.

Lawrence Roth, an avowed atheist, objected that the Long Island, New York School System was forcing his two children to recite a 22 word prayer at the beginning of the day. There were actually four other parents involved in the suit against school board president William Vitale, Jr. The Supreme Court ruled that although the prayer was nonsectarian and noncompulsory, "it is no part the business of government to compose official prayers." Because New York provided the prayer, it indirectly approved religion and that was unconstitutional.

Gideon v. Wainwright, 1963

Defendants in criminal cases have an absolute right to counsel.

Too poor to afford a lawyer, Clarence Earl Gideon was convicted for breaking into a poolroom—a felony crime in Florida. He appealed to the Supreme Court, which ruled that the government must provide free counsel to accused criminals who cannot pay for it themselves. At first, the ruling applied to felonies only. It was later extended to cover any cases where the penalty was six months imprisonment or longer.

New York Times Co. v. Sullivan, 1964

To win a libel case, public figures must prove “actual malice” on the part of the writer.

In 1964, the Times published an ad critical of an elected commissioner of an Alabama city. The commissioner sued for libel and won. The Supreme Court overturned that ruling, and said that, to ensure “uninhibited, robust and wide-open” debate about public figures, the law must protect writers from libel suits. Thus, unless the words are penned with “knowing falsity” or “reckless disregard for the truth,” a writer cannot be successfully sued by a public figure for libel.

Griswold v. Connecticut, 1965

The Constitution implies a right to privacy in matters of contraception between married people.

Estelle Griswold, the director of a Planned Parenthood clinic, broke an 1879 Connecticut law banning contraception. The Court struck down the law, making it a landmark case in which the Court read the Constitution to protect individual privacy. This was to be the foundation of further privacy rulings, including the right to privacy in matters of abortion.

Miranda v. Arizona, 1966

“You have the right to remain silent ...”

After police questioning, Ernesto Miranda confessed to kidnapping and raping a woman. The Court struck down his conviction, on grounds that he was not informed of his 5th Amendment right against self-incrimination. Hereafter, the Miranda warnings have been a standard feature of arrest procedures.

Tinker v. Des Moines, 1969

School dress codes are not in violation of the First Amendment’s guarantee of the freedom of expression.

The Des Moines public school system made a rule stating that any student wearing an armband would be asked to remove it on the grounds that the wearing of such would cause a disturbance. If the student refused to comply, the consequence was suspension from school. Three public school students wore black armbands to express their opposition to the United States’ involvement in the Vietnam War. They refused to remove the armbands and were suspended. The parents of the students argued that the students’ actions were not interfering with the rights of the other students. The case was argued in 1968 and the ruling was “handed down” in 1969. The Court ruled that the wearing of armbands was “closely akin to ‘pure speech’”, and this was protected by the First Amendment to the Constitution. The rule banning armbands lacked the proper justification for enforcement. This ruling eventually had an effect on school dress codes in that the style of clothing one wears indicates an expression of that individual.

San Antonio Independent School District v. Rodriguez, 1973

The Constitution does not guarantee a fundamental right to education.

In 1968, a group of low-income parents sued San Antonio, claiming the city's wealthy precincts had better schools. The Court upheld the districting plan, saying that the Constitution did not guarantee an education, and upholding this tenet: The Constitution does not compel government to provide services like education or welfare to the people. Rather, it places boundaries on government action.

Roe v. Wade, 1973

The Constitutionally implied right to privacy protects a woman's choice in matters of abortion.

Norma McCorvey sought an abortion in Texas, but was denied under state law. The Court struck down that law, on grounds that it unconstitutionally restricted the woman's right to choose. The opinion set forth guidelines for state abortion regulations; states could restrict a woman's right to choose only in the later stages of the pregnancy. Later modified but not overruled, the decision stands as one of the Court's most controversial.

United States v. Nixon, 1974

"Neither separation of powers, nor the need for confidentiality can sustain unqualified Presidential immunity from the judicial process."

President Nixon sought precisely this type of immunity, rather than relinquishing the famous White House tapes during the Watergate scandal. The Court unanimously rejected his plea as an unconstitutional power play. The House began impeachment proceedings shortly thereafter, and two weeks after the ruling, Nixon resigned.

Texas v. Johnson, 1989

The Constitution protects desecration of the flag as a form of symbolic speech.

Johnson burned a flag in front of a Dallas building in 1984. He was convicted of violating a Texas law that made it a crime to intentionally desecrate a state or national flag. Justice Brennan wrote for a 5-to-4 majority that "Government may not prohibit the expression of an idea because society finds the idea itself offensive or disagreeable."

Cruzan v. Missouri Dept. of Health, 1990

While the Constitution protects a person's right to reject life-preserving medical treatment (their "right to die"), states can regulate that interest if the regulation is reasonable.

Nancy Cruzan lay in a permanent vegetative state as a result of injuries suffered in an auto accident. Her parents sought to withdraw life-sustaining treatment and allow her to die, claiming she'd said this would be her wish under such circumstances. The state refused, and the Supreme Court upheld the state's guidelines for the continuation of medical treatment, which allowed withdrawal of treatment only with clear and convincing evidence that this is what the patient would have wanted. The Court said that, given the need to protect against abuses of such situations, the state can continue life support as long as its standards for doing so are reasonable.

Constitution of the state of Ohio, 1851

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I. BILL OF RIGHTS

Section 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and seeking and obtaining happiness and safety.

Section 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges of immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly.

Section 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their Representatives, and to petition the General Assembly for the redress of grievances.

Section 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

Section 5. The right of trial by jury shall be inviolate.

Section 6. There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime.

Section 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.

Section 8. The privilege of the writ of habeas corpus shall not be suspended, unless, in cases of rebellion or invasion, the public safety require it.

Section 9. All persons shall be bailable by sufficient sureties, except for capital offences where the proof is evident, or the presumption great.--Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

Section 10. Except in cases of impeachment and cases arising in the army and navy, or in the militia, when in actual service, in time of war, or public danger, and in cases of petit larceny and other inferior offences, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offence is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offence.

Section 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. 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 shall be acquitted.

Section 12. No person shall be transported out of the State, for any offence committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

Section 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

Section 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

Section 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

Section 16. All courts shall be open, and every person, for an injury done him in his land, goods, person or reputation, shall have remedy by due course of law; and justice administered without denial or delay.

Section 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this State.

Section 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

Section 19. Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war, or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

Section 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE II. LEGISLATIVE

Section 1. The Legislative power of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section 2. Senators and Representatives shall be elected biennially, by the electors in the respective counties or districts, on the second Tuesday of October; their term of office shall commence on the first day of January next thereafter and continue two years.

Section 3. Senators and Representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this State.

Section 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this State, shall be eligible to, or have a seat in, the General Assembly, but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

Section 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this State; nor shall any person, holding public money for disbursement or otherwise, have a seat in the General Assembly, until he shall have accounted for and paid such money into the treasury.

Section 6. Each House shall be judge of the election, returns, and qualifications, of its own members; a majority of all the members elected to each House, shall be a quorum to do business; but, a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

Section 7. The mode of organizing the House of Representatives, at the commencement of each regular session, shall be prescribed by law.

Section 8. Each house, except as otherwise provided in this Constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all other powers necessary to provide for its safety, and the undisturbed transaction of business.

Section 9. Each House shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and on the passage of every bill, in either House, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed, in either House, without the concurrence of a majority of all members elected thereto.

Section 10. Any member of either House shall have the right to protest against any act, or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

Section 11. All vacancies which may happen in either House shall, for the unexpired term, be filled by election, as shall be directed by law.

Section 12. Senators and Representatives, during the session of the General Assembly, and in going to and returning from the same; shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace, and for any speech, or debate, in either House, they shall not be questioned elsewhere.

Section 13. The proceedings of both Houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

Section 14. Neither House shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two Houses shall be in session.

Section 15. Bills may originate in either House, but may be altered, amended, or rejected in the other.

Section 16. Every bill shall be fully and distinctly read, on three different days, unless, in case of urgency, three-fourths of the House in which the question shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived, or amended, unless the new act contain the entire act revived, or the section or the sections amended; and the section, or sections, so amended, shall be repealed.

Section 17. The presiding officer of each House shall sign, publicly, in the presence of the House over which he presides, while the same is in session, and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

Section 18. The style of the laws of this State shall be, "Be it enacted by the General Assembly of the State of Ohio."

Section 19. No Senator or Representative shall, during the term for which he shall have been elected, or for one year thereafter, be appointed to any civil office under this State, which shall be created, or the emoluments of which shall have been increased, during the term for which he shall have been elected.

Section 20. The General Assembly, in cases not provided for in this Constitution, shall fix the term of office, and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

Section 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

Section 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law ; and no appropriation shall be made for a longer period than two years.

Section 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the Senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted, without the concurrence of two-thirds of the Senators.

Section 24. The Governor, Judges, and all State officers, may be impeached for any misdemeanor in office; but the judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

Section 25. All regular sessions of the General Assembly shall commence on the first Monday of January, biennially. The first session under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

Section 26. All laws of a general nature, shall have a uniform operation throughout the State; now shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except as otherwise provided in this constitution.

Section 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution, and in the election of United States Senators; and in these cases the vote shall be taken "viva voce."

Section 28. The General Assembly shall have no power to pass retro-active laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors in instruments and proceedings, arising out of their want of conformity with the laws of this State.

Section 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor, shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

Section 30. No new county shall contain less than four hundred square miles of territory, nor, shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions, shall approve of the law passed for that purpose; but no town or city within the same, shall be divided, nor, shall either of the divisions contain less than twenty thousand inhabitants.

Section 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

Section 32. The General Assembly shall grant no divorce, nor exercise any judicial power, not herein expressly conferred.

ARTICLE III. EXECUTIVE

Section 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and an Attorney General, who shall be chosen by the Electors of the State on the second Tuesday of October, and at the places of voting for members of the General Assembly .

Section 2. The Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General, shall hold their offices for two years; and the Auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

Section 3. The returns of every election for the officers names in the foregoing section, shall be sealed up and transmitted to the seat of Government, by the returning officers, directed to the President of the Senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both Houses.

Section 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the Secretary of State, and opened, and the result declared by the Governor in such manner as may be provided by law.

Section 5. The supreme executive power of this State shall be vested in the Governor.

Section 6. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Section 7. He shall communicate, at every session, by message, to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

Section 8. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they have been convened.

Section 9. In case of disagreement between the two Houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such times as he may think proper, but not beyond the regular meetings thereof.

Section 10. He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

Section 11. He shall have the power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of the sentence, and report the case to the General Assembly at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation or pardon granted; stating the name and crime of the convict, the sentence, its date, and the date of commutation, pardon, or reprieve, with his reasons therefor.

Section 12. There shall be a seal of the State, which shall be kept by the Governor, and used by him officially, and shall be called, "The Great Seal of the State of Ohio."

Section 13. All grants and commissions shall be issued in the name, and by the authority of the State of Ohio; sealed with the Great Seal; signed by the Governor, and countersigned by the Secretary of State.

Section 14. No member of Congress, or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

Section 15. In case of death, impeachment, resignation, removal, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant Governor.

Section 16. The Lieutenant Governor shall be President of the Senate, but shall vote only when the Senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President pro tempore.

Section 17. If the Lieutenant Governor, while executing the office of Governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Section 18. Should the office of Auditor, Treasurer, Secretary, or Attorney General become vacant for any of the causes specified in the fifteenth section of this article, the Governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold office for the full term fixed in the second section of this article.

Section 19. The officers mentioned in this article, shall at stated times, receive, for their services, a compensation to be established by law, which shall neither be increased nor diminished, during the period for which they shall have been elected.

Section 20. The officers of the executive department, and of the public State institutions, shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message, to the General Assembly.

ARTICLE IV. JUDICIAL

Section 1. The judicial power of the State shall be vested in a Supreme Court, in District Courts, Courts of Common Pleas, Courts of Probate, Justices of the Peace, and in such other Courts inferior to the Supreme Court, in one or more counties, as the General Assembly, may, from time to time, establish.

Section 2. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum, or to pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term, in each year, at the seat of government, and such other terms, at the seat of government or elsewhere, as may be provided by law. The Judges of the Supreme Court shall be elected by the electors of the State at large.

Section 3. The State shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one, of compact territory and bounded by county lines; and each of said districts, consisting of three or more counties, shall be subdivided into three parts of compact territory, bounded by county lines, and as nearly equal in population as practicable; in each of which one Judge of the court of common pleas for said district, and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held by one or more of these Judges, in every county in the district; as often as may be provided by law; and more than one court or sitting thereof, may be held at the same time, in each district.

Section 4. The jurisdiction of the courts of common pleas and of the Judges thereof, shall be fixed by law.

Section 5. District courts shall be composed of the Judges of the court of common pleas of the respective districts, and one of the Judges of the supreme court, any three of whom shall be a quorum, and shall be held in each county therein, at least once in each year; but, if it shall be found inexpedient to hold such court annually in each county of any district, the General Assembly may, for such district, provide that said court shall hold at least three annual sessions therein, in not less than three places; provided, that the General Assembly may, by law, authorize the Judges of each district to fix the times of holding the courts therein.

Section 6. The district court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.

Section 7. There shall be established in each county a probate court which shall be a court of record, open at all times and holden by one Judge elected by the votes of the county, who shall hold his office for the term of three years, and shall receive such compensation, payable out of the county Treasury, or by fees, or both, as shall be provided by law.

Section 8. The Probate Court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators and guardians, and such other jurisdiction in any county or counties, as may be provided by law.

Section 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.

Section 10. All judges, other than those provided for in the Constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.

Section 11. The Judges of the Supreme Court shall, immediately after the first election under this Constitution, be classified by lot; so that one shall hold for the term of one year, one for two years, one for three years, one for four years, and one for five years; and at all subsequent elections the term of each of said Judges shall be for five years.

Section 12. The Judges of the Court of Common Pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.

Section 13. In case the office of any Judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor, until a successor is elected and qualified, and such successor shall be elected for the unexpired term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Section 14. The Judges of the Supreme Court and of the Court of Common Pleas shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of this State, or the United States. All votes for either of them, for any elective office, except a judicial office under the authority of this State, given by the General Assembly, or the people, shall be void.

Section 15. The General Assembly may increase or diminish the number of the Judges of the Supreme Court, the number of districts of the Court of Common Pleas, the number of Judges in any district, change the districts or the subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein; but, no such change, addition, or diminution, shall vacate the office of any Judge.

Section 16. There shall be elected in each county, by the electors thereof, one Clerk of the Court of Common Pleas, who shall hold office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of all other courts of record held therein; but, the General Assembly may provide by law for the election of a Clerk with a like term of office, for each or any other of the Courts of Record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as may be directed by law. Clerks of Courts shall be removable for such cause, and in such manner, as shall be prescribed by law.

Section 17. Judges may be removed from office by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members elected to each House concur therein; but no such removal shall be made, except upon complaint, the substance of which shall be entered on the journal, nor until the party charged shall have had notice thereof, and an opportunity to be heard.

Section 18. The several Judges of the Supreme Court, of the Common Pleas, and of such other Courts as may be created, shall respectively have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

Section 19. The General Assembly may establish Courts of Conciliation, and prescribe their powers and duties; but such Courts shall not render final judgment in any case, except upon submission by the parties of the matter in dispute, and their agreement to abide such judgment.

Section 20. The style of all process shall be "The State of Ohio;" all prosecutions shall be carried on in the name and by the authority of the State of Ohio; and all indictments shall conclude "against the peace and dignity of the State of Ohio."

ARTICLE V. ELECTIVE FRANCHISE

Section 1. Every white male citizen of the United States, of the age of twenty one years, who shall have been a resident of the State one year next preceding the election, and of the county, township or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

Section 2. All elections shall be by ballot.

Section 3. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest in all cases, except treason, felony, and breach of the peace.

Section 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

Section 5. No person in the military, naval or marine service of the United States, shall, by being stationed in any garrison or military or naval station within the State, be considered a resident of this State.

Section 6. No idiot or insane person, shall be entitled to the privileges of an elector.

ARTICLE VI. EDUCATION

Section 1. The principal of all funds arising from the sale or other disposition of lands, or other property granted or entrusted to this State for educational and religious purposes, shall forever be preserved inviolate, and undiminished; and, the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

Section 2. The general Assembly shall make such provisions by taxation, or otherwise, as with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State, but no religious or other sect or sects shall ever have any exclusive right to, or control of, any part of the school funds of this State.

ARTICLE VII. PUBLIC INSTITUTIONS

Section 1. Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the State; and be subject to such regulations as may be prescribed by the General Assembly.

Section 2. The Directors of the Penitentiary shall be appointed or elected in such a manner as the General Assembly may direct; and the Trustees of the benevolent and, other State institutions, now elected by the General Assembly, and of such other State institutions as may be hereafter created, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor, the question shall be taken by the yeas and nays, and entered upon the journal of the Senate.

Section 3. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and, until a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII. PUBLIC DEBT AND PUBLIC WORKS

Section 1. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed seven hundred and fifty thousand dollars; and the money arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

Section 2. In addition to the above limited power the State may contract debts to repel invasion, suppress insurrection, defend the State in war, or to redeem the present outstanding indebtedness of the State: but the money, arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts, incurred to redeem the present outstanding indebtedness of the State, shall be so contracted as to be payable by the sinking fund hereinafter provided for as the same shall accumulate.

Section 3. Except the debts above be specified in sections one and two of this article, no debt whatever shall hereafter be created by or on behalf of the State.

Section 4. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation whatever; nor shall the State ever hereafter become a joint owner, or stockholder, in any company or association in this State or elsewhere, formed for any purpose whatever.

Section 5. The State shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war.

Section 6. The General Assembly shall never authorize any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for or loan its credit to, or in aid of, any such company, corporation, or association.

Section 7. The faith of the State being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be sufficient to pay the accruing interest on such debt, and, annually, to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent, per annum. The said sinking fund shall consist, of the net annual income of the public works and stocks owned by the State, of any other funds or resources that are, or may be provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

Section 8. The Auditor of State, Secretary of State, and Attorney General, are hereby created a board of commissioners, to be styled "The Commissioners of the Sinking Fund."

Section 9. The Commissioners of the Sinking Fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the Governor, who shall transmit the same, with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and disbursing said sinking fund, in pursuance of the provisions of this article.

Section 10. It shall be the duty of the said Commissioners faithfully to apply said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest as it becomes due, and the redemption of the principal of the public debt of the State, excepting only the school and trust funds held by the State.

Section 11. The said Commissioners shall, semi-annually, make a full and detailed report of their proceedings to the Governor, who shall, immediately, cause the same to be published, and shall also communicate the same to the General Assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.

Section 12. So long as this State shall have public works which require superintendence, there shall be a Board of Public Works, to consist of three members, who shall be elected by the people, at the first general election after the adoption of the Constitution; one for the term of one year, one for the term of two years, and one for the term of three years; and one member of said Board shall be elected annually thereafter, who shall hold his office for three years.

Section 13. The powers and duties of said Board of Public Works, and its several members, and their compensation, shall be such as now are, or may be, prescribed by law.

ARTICLE IX. MILITIA

Section 1. All white male citizens, residents of this State, being eighteen years of age, and under the age of forty-five years, shall be enrolled in the militia, and perform military duty, in such manner, not incompatible with the Constitution and the laws of the United States, as may be prescribed by law.

Section 2. Majors General, Brigadiers General, Colonels, Lieutenant Colonels, Majors, Captains, and Subalterns, shall be elected by the persons subject to military duty, in their respective districts.

Section 3. The Governor shall appoint the Adjutant General, Quartermaster General, and such other staff officers, as may be provided by law. Majors General, Brigadiers General, Colonels or Commandants of Regiments, Battallions or Squadrons, shall, severally, appoint their staff, and Captains shall appoint their non-commissioned officers and musicians.

Section 4. The Governor shall commission all officers of the line and staff, ranking as such, and shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, or to repel invasion.

Section 5. The General Assembly shall provide, by law, for the protection and safe keeping of the public arms.

ARTICLE X. COUNTY AND TOWNSHIP ORGANIZATIONS

Section 1. The General Assembly shall provide, by law for the election of such county and township officers as may be necessary.

Section 2. County officers shall be elected on the second Tuesday of October, until otherwise directed by law, by the qualified electors of each county, in such manner, and for such term, not exceeding three years, as may be provided by law.

Section 3. No person shall be eligible to the office of Sheriff, or County Treasurer, for more than four years in any period of six years.

Section 4. Township officers shall be elected on the first Monday of April annually, by the qualified electors of their respective townships, and shall hold their offices for one year from the Monday next succeeding their election, and until their successors are qualified.

Section 5. No money shall be drawn from any county or township treasury, except by authority of law.

Section 6. Justices of the peace, and county and township officers, may be removed in such manner, and for such cause, as shall be prescribed by law.

Section 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI. APPORTIONMENT

Section 1. The apportionment of this State for members of the General Assembly, shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the State, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the House of Representatives, for ten years next succeeding such apportionment.

Section 2. Every county, having a population equal to one-half of said ratio, shall be entitled to one Representative; every county containing said ratio and three-fourths over, shall be entitled to two Representatives; every county containing three times said ratio, shall be entitled to three Representatives, and so on, requiring, after the first two, an entire ratio for each additional Representative.

Section 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional Representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio; a Representative shall be allotted to the fifth session of the decennial period; if there be two ratios, a Representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second, and first sessions respectively; if four, to the fourth, third, second, and first sessions respectively.

Section 4. Any county, forming, with another county or counties, a Representative district, during one decennial period, if it have acquired sufficient population at the next decennial period, shall be entitled to a separation representation, if there shall be left in the district from which it shall have been separated, a population sufficient for a representative; but no such change shall be made, except at a regular decennial period for the apportionment of representatives.

Section 5. If, in fixing any subsequent ratio, a county, previously entitled to a separate representation, shall have less than the number required by the new ratio for a representative, such county shall be attached to the county adjoining it, having the least number of inhabitants; and the representation of the district so formed, shall be determined as herein provided.

Section 6. The ratio for a Senator shall, forever hereafter, be ascertained by dividing the whole population of the State, by the number thirty-five.

Section 7. The State is hereby divided into thirty-three Senatorial districts, as follows: The county of Hamilton shall constitute of the first Senatorial district; the counties of Butler and Warren, the second; Montgomery and Preble, the third; Clermont and Brown, the fourth; Greene, Clinton and Fayette, the fifth; Ross and Highland, the sixth; Adams, Pike, Scioto and Jackson, the seventh; Lawrence, Gallia, Meigs and Vinton, the eighth; Athens, Hocking and Fairfield, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign and Madison, the eleventh; Miami, Darke and Shelby, the twelfth; Logan, Union, Marion and Hardin, the thirteenth; Washington and Morgan, the fourteenth; Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteenth; Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteenth; Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentieth; Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twenty-second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geauga, the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twenty-sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twenty-eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, and Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams, the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam, the thirty-third. For the first decennial period, after the adoption of this constitution, each of said districts shall be entitled to one Senator, except the first district, which shall be entitled to three Senators.

Section 8. The same rules shall be applied, in apportioning the fractions of senatorial districts, and in annexing districts which may hereafter have less than three-fourths of a senatorial ratio as are applied to representative districts.

Section 9. Any county forming part of a senatorial district, having acquired a population equal to a full senatorial ratio, shall be made a separate senatorial district, at any regular decennial apportionment, if a full senatorial ratio shall be left in the district from which it shall be taken.

Section 10. For the first ten years, after the year one thousand eight hundred and fifty-one, the apportionment of representatives shall be as provided in the schedule, and no change shall ever be made in the principles of representation, as herein established, or, in the senatorial districts, except as above provided. All territory belonging to a county at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof, during the decennial period.

Section 11. The Governor, Auditor, and Secretary of State, or any two of them, shall, at least six months prior to the October election, in the year one thousand eight hundred and sixty one, and at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of Representatives and Senators each county or district shall be entitled to elect, and for what years, within the next ensuing ten years, and the Governor shall cause the same to be published, in such manner as shall be directed by law.

JUDICIAL APPORTIONMENT

Section 12. For Judicial purposes, the State shall be apportioned as follows:

The county of Hamilton, shall constitute the first district, which shall not be subdivided; and the Judges therein may hold separate courts, or separate sittings of the same court at the same time.

The counties of Butler, Preble and Darke, shall constitute the first subdivision; Montgomery, Miami and Champaign the second; and Warren, Clinton, Greene and Clark, the third subdivision of, the second district, and together shall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union and Marion shall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry and Fulton, the second; and Wood, Senaca, Hancock, Wyandot and Crawford, the third subdivision of the third district, and, together, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron shall constitute the first subdivision; Lorain, Medina and Summit the second, and the county of Cuyahoga, the third subdivision of the fourth district, and, together, shall form such district.

The counties of Clermont, Brown and Adams, shall constitute the first subdivision; Highland, Ross, and Fayette the second, and Pickaway, Franklin and Madison, the third subdivision, of the fifth district, and together shall form such district.

The counties of Licking, Knox and Delaware, shall constitute the first subdivision, Morrow, Richland and Ashland the second, and Wayne, Holmes and Coshocton, the third subdivision, of the sixth district, and together shall form such district.

The counties of Fairfield, Perry and Hocking shall constitute the first subdivision, Jackson, Vinton, Pike, Scioto and Lawrence, the second, and Gallia, Meigs, Athens and Washington, the third subdivision, of the seventh district, and, together, shall form such district.

The counties of Muskingum and Morgan shall constitute the first subdivision; Guernsey, Belmont and Monroe, the second; and Jefferson, Harrison, and Tuscarawas, the third subdivision, of the eighth district, and, together shall form such district.

The counties of Stark, Carroll and Columbiana shall constitute the first subdivision; Trumbull, Portage and Mahoning, the second; and Geauga, Lake and Ashtabula, the third subdivision of the ninth district, and, together, shall form such district.

Section 13. The General Assembly shall attach any new counties that may hereafter be erected, to such districts or subdivisions thereof, as shall be most convenient.

ARTICLE XII. FINANCE AND TAXATION

Section 1. The levying of taxes by the poll, is grievous and oppressive; therefor, the General Assembly shall never levy a poll tax, for county or State purposes.

Section 2. Laws shall be passed, taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property, according to its true value in money; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose; and personal property to an amount not exceeding in value two hundred dollars for each individual, may, by general laws, be exempted from taxation; but, all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published as may be directed by law.

Section 3. The General Assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues, of every description, (without deduction,) of all banks, now existing, or hereafter created, and of all bankers, so that all property employed in banking, shall always bear a burden of taxation equal to that imposed on the property of individuals.

Section 4. The General Assembly shall provide for raising revenue, sufficient to defray the expenses of the State, for each year, and also a sufficient sum to pay the interest on the State debt.

Section 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax shall state, distinctly, the object of the same, to which only, it shall be applied.

Section 6. The State shall never contract any debt for purposes of internal improvement.

ARTICLE XIII. CORPORATIONS

Section 1. The General Assembly shall pass no special act conferring special corporate powers.

Section 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered, or repealed.

Section 3. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

Section 4. The property of corporations, now existing, or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

Section 5. No right of way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

Section 6. The General Assembly shall provide for the organization of cities, and incorporated villages by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent the abuse of such power.

Section 7. No act of the General Assembly, authorizing associations with banking powers, shall take effect; until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors voting at such election.

ARTICLE XIV. JURISPRUDENCE

Section 1. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commissions.

Section 2. The said commissioners shall revise, reform, simplify and abridge, the practice, pleading, form, and proceedings of the courts of record of this State; and, as far as practicable, and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for administration of justice by a uniform mode of proceeding, without reference to any distinction between law and equity.

Section 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

ARTICLE XV. MISCELLANEOUS

Section 1. Columbus shall be the seat of government, until otherwise directed by law.

Section 2.. The printing of the laws, journals, bills, legislative documents, and papers for each branch of the General Assembly, with the printing required for the Executive and other departments of State, shall be let, on contract, to the lowest responsible bidder, by such Executive officers, and in such manner as shall be prescribed by law.

Section 3. 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 shall be prescribed by law.

Section 4. No person shall be elected or appointed to any office in this State, unless he possess the qualifications of an elector.

Section 5. No person who shall hereafter fight a duel, assist in the same as second, or send, accept, or knowingly carry a challenge therefor, shall hold office in this State.

Section 6. Lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this State.

Section 7. Every person chosen or appointed to any office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this State, and also an oath of office.

Section 8. There may be established in the Secretary of State's office, a bureau of statistics, under such regulations as may be prescribed by law.

ARTICLE XVI. AMENDMENTS

Section 1. Either branch of the General Assembly may propose amendments to this Constitution; and if the same shall be agreed to by three-fifths of the members elected to each House, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be published in at least one newspaper, in each county of the State where a newspaper is published, for six months preceding the next election for Senators and Representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting at such election, shall adopt such amendments, the same shall become a part of the Constitution. When more than one amendment shall be submitted, at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.

Section 2. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention, to revise, amend, or change this Constitution, they shall recommend to the electors to vote, at the next election for members to the General Assembly, for or against a Convention, and if a majority of all the electors voting at said election, shall have voted for a Convention, the General Assembly shall, at their next session, provide, by law, for calling the same. The Convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election, for the purpose aforesaid.

Section 3. At the general election, to be held in the year one thousand eight hundred and seventy-one, and in each twentieth year thereafter, the question, "Shall there be a Convention to revise, alter, or amend the Constitution?" shall be submitted to the electors of the State, and in case a majority of all the electors voting at such election shall decide in favor of a Convention, the General Assembly, at its next session, shall provide by law, for the election of delegates, and the assembling of such Convention, as is provided in the preceding section; but no amendment of this Constitution, agreed upon by any Convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the State, and adopted by a majority of those voting thereon.

SCHEDULE

Section 1. All laws of this State, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this Constitution, shall continue in force until amended or repealed.

Section 2. The first election for members of the General Assembly, under this Constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

Section 3. The first election for Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State, and Attorney General, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons holding said offices on the first day of September, one thousand eight hundred and fifty one, shall continue therein until the second Monday of January, one thousand eight hundred and fifty-two.

Section 4. The first election for Judges of the Supreme Court, Courts of Common Pleas, and Probate Courts, and Clerks of the Courts of Common Pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one; and the official term of such judges and clerks so elected shall commence on the second Monday of February, one thousand eight hundred and fifty-two. Judges and Clerks of the Courts of Common Pleas and Supreme Court in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties, until the second Monday of February, one thousand eight hundred and fifty two. No suit or proceeding pending in any of the courts of this State, shall be affected by the adoption of this Constitution.

Section 5. The Register and Receiver of the Land Office, Directors of the Penitentiary, Directors of the benevolent Institutions of the State, the State Librarian, and all other officers, not otherwise provided for in this Constitution, in office on the first day of September one thousand eight hundred and fifty-one shall continue in office until their terms expire, respectively, unless the General Assembly shall otherwise provide.

Section 6. The Superior and Commercial Courts of Cincinnati, and the Superior Court of Cleveland, shall remain, until otherwise provided by law with their present powers and jurisdiction, and the Judges and Clerks of said Courts in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until the expiration of their terms of office respectively, or, until otherwise provided by law; but neither of said Courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three, and no suit shall be commenced in said two first mentioned Courts after the second Monday of February, one thousand eight hundred and fifty-two; nor in said last mentioned Court after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said Courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the Court of Common Pleas.

Section 7. All county and townships offices and Justices of the Peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue on office until their terms expire, respectively.

Section 8. Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled as is now prescribed by law, and, until officers are elected or appointed, and qualified under this Constitution.

Section 9. This Constitution shall take effect on the first day of September, one thousand eight hundred and fifty-one.

Section 10. All officers shall continue in office until their successors shall be chosen and qualified.

Section 11. Suits pending in the Supreme Court in Bank, shall be transferred to the Supreme Court, provided for in this Constitution, and be proceeded in according to law.

Section 12. The District Courts shall, in their respective counties, be the successors of the present Supreme Court, and all suits, prosecutions, judgments, records and proceedings, pending and remaining in said Supreme Court, in the several counties of any district, shall be transferred to the respective District Courts of such counties, and be proceeded in, as though no change had been made in said Supreme Court.

Section 13. The said Courts of Common Pleas shall be the successors of the present Courts of Common Pleas, in the several counties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records, and judgments, pending, or being in said last mentioned Courts, except as aforesaid, shall be transferred to the Courts of Common Pleas created by this Constitution, and proceeded in, as though the same had been therein instituted.

Section 14. The Probate Courts provided for in this Constitution, as to all matters within the jurisdiction conferred upon said Courts, shall be the successors, in the several counties, of the present Courts of Common Pleas; and the records, files and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said Courts of Probate, and be there proceeded in according to law.

Section 15. Until otherwise provided by law, elections for Judges and Clerks shall be held, and the poll books returned, as is provided for Governor, and the abstract therefrom, certified to the Secretary of State, shall be by him opened, in the presence of the Governor, who shall declare the result, and issue commissions to the persons elected.

Section 16. Where two or more counties are joined in a Senatorial, Representative, or Judicial district, the returns of elections shall be sent to the county having the largest population.

Section 17. The foregoing Constitution shall be submitted to the electors of the State, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this State. The ballots at such election shall be written or printed as follows: Those in favor of the Constitution, "New Constitution, Yes;" those against the Constitution, "New Constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock, A.M., and closed at six o'clock, P.M.; and the said election shall be conducted, and the returns thereof made and certified, to the Secretary of State, as provided by law for annual elections of state and county officers. Within twenty days after such election, the Secretary of State shall open the returns thereof, in the presence of the Governor; and, if it shall appear that a majority of all the votes cast at such election are in favor of the Constitution, the Governor shall issue his proclamation, stating that fact, and said Constitution shall be the Constitution of the State of Ohio and not otherwise.

Section 18. At the time when the votes of the electors shall be taken for the adoption or rejection of this Constitution, the additional section in the words following, to-wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this State; but the General Assembly 'may by law, provide against evils resulting therefrom,' shall be separately submitted to the electors for adoption or rejection, in form following, to-wit: A separate ballot may be given by every elector, and deposited in a separate box. Upon the ballots given for said separate amendment shall be written, or printed, or partly written and partly printed, the words, "License to sell intoxicating liquors, "Yes;" and upon the ballots given against said amendment, in like manner, the words, "License to sell intoxicating liquors, No." If at the said election a majority of all the votes given for and against said amendment shall contain the words, "License to sell intoxicating liquors, No," then the said amendment shall be a separate section of article fifteen of the Constitution.

Section 19. The apportionment for the House of Representatives during the first decennial period under this Constitution shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby, and Union, shall, severally, be entitled to one Representative in each session of the decennial period.

The counties of Franklin, Licking, Montgomery and Stark, shall each be entitled to two Representatives in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit, and Warren, shall, severally, be entitled to one Representative in each session, and one additional Representative in the fifth session of the decennial period. The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Washington shall severally be entitled to one Representative in each session, and two additional Representatives, one in the third and one in the fourth session, of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne, shall, severally, be entitled to one Representative in each session; and three additional Representatives; one in the first, one in the second, and one in the third session, of the decennial period.

The county of Muskingum shall be entitled to two Representatives in each session; and one additional Representative in the fifth session, of the decennial period.

The county of Cuyahoga shall be entitled to two Representatives in each session, and two additional Representatives, one in the third and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to seven Representatives in each session, and four additional Representatives, one in the first, one in the second, one in the third, and one in the fourth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to wit:

The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one Representative in every session of the decennial period.

Done in Convention at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-fifth.

William Medill, President.

Attest: Wm. H. Gill, Secretary.

S.J. Andrews, William Barbee, Joseph Barnett, David Barnett, Wm. S. Bates, A.I. Bennett, John H. Blair, Jacob Blickensderfer, Van. Brown, R.W. Cahill, L. Case, David Chambers, John Chaney, H.D. Clark, George Collings, Friend Cooke, Otway Curry, G. Volney Dorsey, Thos. W. Ewart, John Ewing, Joseph M. Farr, Elias Florence, Robert Forbes, H.N. Gillett, John Graham, Jacob J. Greene, John L. Green, Henry H. Gregg, W.S. Groesbeck, C.S. Hamilton, D.D.T. Hard, A. Harlan, William Hawkins, James P. Henderson, Peter Hitchcock, J. McCormick, G.W. Holmes, Geo. B. Holt, John J. Hootman, V.B. Horton, Sam'l. Humphreville, John E. Hunt, John Johnson, J. Dan. Jones, James B. King, S.J. Kirkwood, Thos. J. Larsh, William Lawrence, John Larwill, Robert Leech, D.P. Leadbetter, John Lidey, James Loudon, H.S. Manon, Samson Mason, Matthew H. Mitchell, Isaiah Morris, Charles McCloud, S.F. Norris, Chas. J. Orton, W.S.C. Otis, Thomas Patterson, Dan'l. Peck, Jacob Perkins, Samuel Quigley, R.P. Ranney, Chas. Reemelin, Adam N. Riddle, Edward C. Roll, Wm. Sawyer, Sabirt Scott, John Sellers, John A. Smith, George J. Smith, B.P. Smith, Henry Stanbery, B. Stanton, Albert V. Stebbins, E.T. Stickney, Harmon Stidger, James Struble, J.R. Swan, L. Swift, James W. Taylor, N.S. Townshend, Elijah Vance, Wm. M. Warren, Thomas A. Way, J. Milton Williams, Elzey Wilson, Jas. T. Worthington, E.B. Woodbury, H.C. Gray, Edward Archbold