JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF THE
STATE OF ALABAMA,
ASSEMBLED IN THE
CITY OF MONTGOMERY,

September 6th, 1875.

MONTGOMERY, ALA.:
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Hall of the House of Representatives, Montgomery, Ala., September 6, 1875.

This being the day fixed by law for the assembling of the Constitutional Convention, under the provisions of an Act entitled "An Act to provide for the calling of a Convention to revise and remodel the Constitution of this State," approved March 19, 1875, the Delegates elected thereto assembled in the Hall of the House of Representatives, in the State Capitol.

At the hour of 12, m., the Convention was called to order by Mr. Garrett, delegate from Coosa, on whose motion, Hon. F. W. Sykes, delegate from the 2d Senatorial District, was made temporary Chairman, and Mr. C. D. Whitman, temporary Secretary.

On motion of Mr. Little, Patrick Doran was made temporary Doorkeeper.

The following delegates then came forward, filed their certificates, and enrolled their names:

District Delegates.

District 1—E. A. O'Neal,      District 17—James L. Pugh,  
2—F. W. Sykes,               18—D. B. Booth,       
3—Thos. B. NeSmith,          19—S. F. Rice,        
4—L. P. Walker,              21—John F. Burns,     
5—J. E. Brown,               22—A. H. Curtis,      
6—James Aiken,               23—J. T. Foster,      
7—W. S. Mudd,                24—E. D. Willett,     
8—A. A. Sterrett,            25—Jonathan Bliss,   
9—E. A. Powell,              26—F. S. Lyon,       
10—John T. Hefflin,          27—S. T. Prince,     
11—C. B. Taylor,             28—C. C. Langdon,    
12—John B. Kelly,            29—R. C. Torrey,     
13—W. J. Samford,            30—Geo. S. Gullett,   
14—C. A. Battle,             31—John Gamble,      
15—F. A. Nisbett,            32—J. C. Robinson,    
COUNTY DELEGATES.


The oath of office was then administered to the delegates present by the Hon. W. S. Mudd, one of the Circuit Judges of this State.

The Convention then proceeded to the election of a permanent President.

ELECTION OF PRESIDENT OF THE CONVENTION.

Mr. Powell, of Tuscaloosa, nominated Leroy Pope Walker. Mr. Moren moved that Mr. Walker be elected by acclamation, which motion was unanimously carried.

On motion of Mr. Stone, a committee, consisting of Messrs. Stone, Moren and Oates, was appointed to wait upon the
President, notify him of his election, and conduct him to the Chair.

The Committee having discharged that duty, the President then said:

_Gentlemen of the Convention:_

I beg you to accept my sincere thanks for the distinguished honor you have conferred in electing me to preside over your deliberations. Its duties I shall endeavor to discharge with fairness and impartiality, and with such ability as I may command.

In well ordered governments Constitutional Conventions should be, as indeed they are, of rare occurrence, as changes in the fundamental law ought only to be made when demanded by the progress and needs of civilization. Hasten slowly and change gradually, is the highest wisdom of government. The Constitution framed by our fathers in 1819, was made for a new State, and under it our people prospered and grew into a great commonwealth. The war came and the sacred edifice built with such care amid the primeval forests of the Mississippi territory was dismantled and razed to the ground by alien hands in a spirit of ruthless iconoclasm. What is called the present Constitution of the State of Alabama, is a piece of unseemly mosaic, composed of shreds and patches gathered here and there, incongruous in design, inharmonious in action, discriminating and oppressive in the burthens it imposes, reckless in the license it confers on unjust and wicked legislation, and utterly lacking in every element to inspire popular confidence and the reverence and affection of the people.

We have met to-day, not indeed to reclaim the scattered fragments and rebuild the old temple, but to construct a Constitution not wholly unworthy, we trust, to succeed it.

The truest statesmanship is that which so generalizes principles as to give them flexible adaptability to the purposes and needs of civilization. Let us endeavor to give to our proceedings this characteristic of wisdom.

Let the organic law we are to frame be comprehensive, consistent, enlightened and non-partisan; alike just to all classes, protective of all interests, and equal in its burthens as in its benefits.

The events of the last decade have eliminated from our institutions the only element of sectional controversy. Let us recognize this fact with a broad significance, and incorporate into the Constitution the National spirit and the National law of the perfect political and civil equality of all men, of whatever race, color, or previous condition.

Republican institutions rest upon the common intelligence
of the people; therefore, one of the high duties of Republican Government is the education of the masses—for there can be no progress without education as there is no civilization without intelligence.

An eminent statesman has said, "the power to tax is the power to destroy." Governments should provide against possibilities, as possibilities often become facts. Limit, therefore, the legislative power of taxation; and yet so impose this limitation as to shield from suspicion the honor and credit of the State.

The spirit of the age is licentious and extravagant. The old economies have become disreputable by disuse. Individual characteristics have been made the habits of Government, and government has degenerated into a mere instrumentality for the advancement of personal ambitions, and the promotion of personal aims in ways that would have shocked the primitive simplicity of the men who conceived and illustrated in their lives the great problem of free Government on this continent. As far as may be, in due deference to circumstances, let us limit the duties of government to the ends of government, which may be summed up in the general phrase, "The full protection of the rights of person and of property."

The simplest government is the best. The complications of a multiform machinery, however suitable to the development of the special sciences, only aggravate the burthens, which more or less attend every form of civil administration. Abstract from the fundamental law every useless instrumentality, so as to have as few intermediaries as possible between the Government and the people. We thus secure both responsibility and economy; and the harmony of protection and dependence, which is the great law of order, is placed beyond the hazards of fluctuations or disturbance.

Abstinence is a cardinal virtue, and should be as potent in the law of States as in the conduct of individuals. Govern as little as possible, and only by general laws, is the rule of wisdom sanctioned by experience. Discriminations, whether protective or punitive, are always invidious and therefore always unjust.

The growth of corporations is one of the marvels of the age in which we live. Their power, like that of King George, "has increased, is increasing, and ought to be diminished." Great as they are, they are simply the representatives of individual interests, and are never organized except to promote personal ends. The dignity of government is always compromised when its credit is surrendered and its honor committed to other custodians than its own agents and servants. Con-
stitutional prohibitions should protect the State against the contingencies of legislative departure from this principle.

Special limitations should be placed upon counties, towns and other civil municipalities; and they should be restrained from lending their credit to ventures of private speculation, however plausible in theory and possibly profitable in results.

Local legislation, though sometimes seemingly exigent, should be absolutely forbidden. Its enactments are insidious, its excuses specious, and its aims often illegitimate and sometimes demoralizing and corrupt.

The liberties of the people can only be preserved through an incorruptible judiciary. It is the interpretation of the law by the courts, even more than the law itself, that gives to legislation its character for wisdom or folly. Independence in action, except to just public criticism, should be secured to the judges who administer the laws by extended terms; thus removing them, as far as possible, from sudden explosions of popular clamor on the one hand, and the temptations to seek popular favor by unworthy means on the other.

Gentlemen of the Convention, it is neither my province nor my purpose to do more than suggest some general principles for your consideration—leaving their value to be determined by your higher and better judgment.

With a salubrious climate, a generous and productive soil, mineral wealth in boundless profusion, and water power of vast capabilities, our State lacks nothing to make it great except good government—honest and economical, just and fair, frugal in the bestowal of power, rigid in the exactions of duty, and temperate, conservative and rational in all of its provisions. This great trust is confided to us. That our deliberations to this end may be harmonious, our labors successful, and the final consummation all that our people could wish, is the hope with which I accept the onerous and responsible position you have assigned to me. Again thanking you for the distinguished honor, I am now ready to take the oath of office.

On motion of Mr. Garrett, the oath of office was administered to the President of the Convention, by Hon. F. S. Lyon.

Mr. Oates offered a resolution adopting rules of House of Representatives for government of this Convention. Lost.

Mr. White, a resolution for selecting seats with a reference as far as possible to Congressional districts. Lost.

Mr. Foster, of Barbour, a resolution that a committee of seven be appointed to draft rules for the government of the Convention. Lost.

On motion of Mr. Langdon, the Convention adjourned until 10 o’clock to-morrow.
SECOND DAY.

TUESDAY, September 7, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. Ralls, of the Convention.
Mr. President announced the first business in order to be the election of a Secretary, Assistant Secretary and Door-keeper.
Mr. Foster, of Barbour, nominated B. H. Screws for Secretary.
On motion of Mr. Martin, Mr. Screws was elected by acclamation.
Mr. O’Neal nominated Thomas H. Watts, jr., for Assistant Secretary, who, on motion of Mr. Battle, was elected by acclamation.
Mr. Murphree nominated Pat Doran for Door-keeper, who, on motion of Mr. Richards, was elected by acclamation.
Mr. Oates moved that the President be authorized to appoint two pages.
Mr. Rice moved to lay the motion on the table, which motion was lost.
Mr. Oates’ motion was then carried.
Yea’s 76, nay’s 13.
Those who voted yea, are—
Those who voted nay, are:
Mr. Langdon offered the following resolution:
Resolved, That in order to expedite the business of this Convention, the President be authorized to appoint eleven Standing Committees of thirteen members each, to consider certain sections respectively of the present Constitution, and
to report upon the same, with such recommendations for amendment and revision as may be deemed necessary and proper, to-wit:

1. A Committee on the Bill of Rights.
2. A Committee on the Legislative Department.
3. A Committee on the Executive Department.
4. A Committee on the Judicial Department.
5. A Committee on Education.
6. A Committee on Finance and Taxation.
7. A Committee on Election and Basis of Representatives.
8. A Committee on Corporations.
10. A Committee on Amendments to the Constitution, and miscellaneous provisions:
11. A Committee on the Order, Consistency and Harmony of the Whole Constitution.

Mr. Lyon offered the following as a substitute:

Resolved, That a committee be appointed by the President, to consist of nine members, to take into consideration the existing Constitution of the State, with a view to the amendment of the same, and that said committee report at an early day, for the action of the Convention, such amendments of the same as they would recommend to be made, or that they report a new Constitution to be acted on and adopted by the Convention, in the place and stead of the one now in force, as they may deem best.

Resolved further, That in the meantime all petitions, resolutions or propositions relative to changes, alterations, or amendments of the Constitution, be referred to the same committee.

Resolved further, That the committee have leave to sit during the sessions of the Convention, and to employ a clerk if necessary.

Mr. Lea of Dallas, offered an amendment that as soon as the committee of nine reports, their work be then referred to sub-committees; which amendment Mr. Lyon accepted as an amendment to his substitute.

Mr. O'Neal moved to table the substitute as amended; which motion was carried.

Mr. McClellan offered the following substitute:

Resolved, That the Convention go at once into Committee of the Whole, and take up for examination and discussion the present Constitution, section by section, and adopt, reject, revise, add to or take from the same in such manner as the wisdom of the Convention may suggest, not inconsistent with
the Constitution of the United States or the enabling act under which the Convention was called.

Resolved, That if in the deliberations of the Convention, as above stated, differences arise, the various suggestions and motions submitted shall, after brief debate, be referred to the appropriate committees for their action thereon.

Mr. Oates moved to lay both substitutes on the table; which motion was carried.

The original resolution, offered by Mr. Langdon, was then adopted.

Mr. Manaseo offered the following resolution:

Resolved, That a committee of seven be appointed by the President, whose duty it shall be to take into consideration the formation of a Constitution for the State of Alabama, to be modeled upon the Constitution of 1819, with the exception of the provisions relating to slavery, the elective franchise, and the banking system, and to make such alterations and improvements thereon as are suggested or demanded by the changed condition of the people.

Resolved, That all resolutions relating to the formation of a Constitution be referred to said committee.

Mr. Laird moved to lay the resolution on the table; which motion was carried.

Mr. Scott, a resolution that all resolutions, petitions, etc., of whatever character, be referred to the appropriate committee, without debate; which was lost.

Mr. Garrett offered the following resolution:

Resolved, That the rules governing the last House of Representatives be adopted for the government of this Convention, until otherwise ordered, except Rule 22, for which the following substitute is adopted: "The previous question shall be submitted in the following form, without debate, 'Shall the main question be now put?' and when decided in the affirmative by a two-thirds vote, shall preclude all amendments and debate;" and except Rule 23, which shall be amended by striking out 9, and inserting 13.

Mr. Sykes offered as an amendment the following, which was accepted by Mr. Garrett:

Resolved, That a committee of three be appointed by the President to draft rules for the government of this Convention, and until such rules are reported and adopted, the rules of the last House of Representatives shall be observed.

Mr. Knox moved to strike out "two-thirds," and insert "four-fifths."

On motion of Mr. Foster of Barbour, the amendment was laid on the table.
The resolution, as amended, was adopted.
Mr. Lowe offered the following resolution, which was adopted:

Resolved, That the President of this Convention appoint a committee of five, to which any petition or communication denying the right of any person to hold a seat in this Convention, shall be referred without debate.

On motion of Mr. Garrett, the resolution was laid on the table.

Mr. Oates offered a proposition in relation to the State University and Mechanical & Agricultural College.
Also, in relation to the militia.
Also, in relation to elections;
All of which were referred to the appropriate committees, when raised.

Mr. Foster of Barbour, a resolution extending the courtesies of the Convention to representatives of the Press.
Adopted.

Mr. Hargrove, a resolution requesting ministers of the city and members of the Convention who are ministers, to open the Convention with prayer. Adopted.

M. Rice, a petition of J. S. Simpson, of Lawrence county, in reference to his contest for a seat in this Convention; referred to a committee of five.

Mr. Samford, a resolution that no articles nor sections of a constitutional character, to be incorporated in the Constitution, be introduced until the standing committees are appointed; which was adopted.

On motion of Mr. Little, the Convention adjourned until 10 o'clock to-morrow.

THIRD DAY.

Wednesday, September 8.

The Convention met pursuant to adjournment.
Prayer by Rev. Dr. Andrews, of this city.
Journal of yesterday was read and approved.

Mr. Powell of Tuscaloosa, offered a resolution authorizing the President of the Convention to administer the oath of office to Mr. Mudd of Jefferson, there being no Supreme or Circuit Judge, or Chancellor present, which was adopted, and oath was administered by the President accordingly.

Mr. Sykes moved to reconsider the vote by which Mr. Lowe’s resolution relating to contested elections was adopted; which motion was carried.
On motion of Mr. Sykes, the resolution was amended by increasing the number of the committee to seven, and as amended the resolution was then adopted.

Mr. Little, a resolution authorizing an additional committee on the militia, which was adopted.

On motion of Mr. Stone, the vote by which Mr. Scott's resolution of yesterday was lost, was reconsidered, and the resolution adopted.

Mr. President announced the committee on rules, as follows: Messrs. Sykes, Stone and Herndon.

Mr. President laid before the Convention a communication from J. W. White, touching a verbatim stenographic report of the proceedings, which, on motion of Mr. Garrett, was referred to a select committee of five.

Mr. Moren moved to suspend the action of the resolution adopted yesterday against receiving amendments, articles, etc., before appointment of committees; adopted.

Mr. Heffin, a resolution that the finance committee be instructed to consider the propriety of a lighter poll tax than the one required by the present constitution. Referred to committee on finance.

Mr. Parks, a resolution that the General Assembly shall not have the power of granting divorces from the bonds of matrimony, or to declare married women free dealers, or to relieve minors of the disabilities of non-age, or to incorporate towns and churches; but the General Assembly shall enact laws providing for the granting of such relief by the proper courts of the State. Referred to committee on legislative department.

Mr. Richards, a resolution instructing the finance committee to consider the propriety of limiting the State tax to three-fourths of one per cent. Referred to committee on finance and taxation.

Mr. Laird, a proposition and resolution that the General Assembly shall have power to make general laws for the State, but shall not have the power to make local or special laws. Referred to committee on legislative department.

Mr. Davis, to provide desks for delegates having seats inside the bar. Adopted.

Mr. Samford, an article on taxation in this State. Referred to committee on finance and taxation.

Mr. Martin, a proposition to amend Article 13, Section 1, of the present Constitution. Referred to committee on corporations.

Also, a substitute for Article 13, Section 3, as it now appears.
Also, a substitute for Article 13, Section 4, as it now appears.
Also, an amendment to Article 13, Section 16;
All of which were referred to committee on corporations.
Also, a proposition restricting the power of the General Assembly in levying tax.
Also, a substitute for 1st Section, 9th Article, of the present Constitution. Referred to committee on finance and taxation.
Also, a proposition relating to the issuance of bonds and loan of money by the General Assembly.
Also, a substitute for the 21st Section, 4th Article, of present Constitution. Referred to committee on legislative department.
Mr. Laird, a proposition in relation to State aid to internal improvements. Referred to committee on finance and taxation.
Mr. Hudson, a proposition giving the General Assembly power to pass laws on the subject of exemptions, and prohibiting the Convention from passing laws exempting property from legal process. Referred to committee on exemptions.
Mr. McClellan, a proposition relating to exemptions.
Mr. Little offered an amendment, which, with the proposition, was referred to the committee on exemptions.
Mr. Oates, a proposition relating to and fixing exemptions.
Mr. Laird offered an amendment, which, with the proposition, was referred to exemptions committee.
Mr. Oates, a proposition relating to the executive department of the State.
Mr. Lea of Dallas and Mr. Greene of Choctaw, offered amendments. Proposition and amendments referred to committee on executive department.
Mr. Oates, a proposition on legislative department.
Mr. Knox, an amendment in reference to the amount of per diem of legislators.
Mr. Laird, an amendment referring to length of sessions.
Mr. Manasco, an amendment in relation to the passage of bills concerning sale or prohibition of liquor;
All of which were referred to legislative department.
Mr. Greene of Choctaw, a resolution relating to the reduction of the number of State senators. Referred to committee on legislative department.
Mr. Bliss, a proposition relating to the protection of the estates of married women. Referred to committee on exemptions.
Mr. Norwood, instructing exemption committee to enquire
into the propriety of exempting $2,000 of real estate to head of every family, and $1,000 of personal property to every citizen of the State over 21 years of age.

Mr. Prince, a resolution not to change in any manner present exemptions.
Also, a resolution that the State shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation, association or individual.
Also, a resolution that the county authorities shall never assess taxes, the aggregate of which shall exceed 50 cents on the $100 valuation, except for the payment of indebtedness already existing at the adoption of this Constitution, unless authorized by a vote of the people of the county;
All of which were referred to committee on exemptions.
Mr. Forwood, a resolution that the committee on exemptions will enquire into the expediency of making the exemption law more explanatory, without a change of the substance. Referred to committee on exemptions.
Mr. Oates, a proposition in relation to the judicial department. Referred to committee on judicial department.
Mr. Foster of Barbour, a resolution that before a report is made by a committee on any matter referred to it, suggestions in writing may be referred and must be considered by the committee as if read in the Convention. Lost.
Mr. Herndon, a proposition in relation to finance and taxation. Referred to committee on finance and taxation.
Also, a proposition in relation to legislation. Referred to committee on legislative department.
Mr. Stone, a proposition in relation to State aid;
Also, a proposition in relation to oath of senators and representatives. Referred to committee on legislative department.
Mr. Burns, a proposition relating to legislative department and judicial department; which were respectively referred.
Mr. Murphree, a resolution that no lottery shall be authorized. Referred to committee on judicial department.
Mr. Brewer, a proposition in relation to liability of stockholders in incorporated companies or associations. Referred to committee on judicial department.
Mr. Harrison, a resolution that no tax shall be levied for the benefit of any chartered company of the State, or for paying the interest on any bonds issued by said chartered companies, or by counties, or by corporations for the above mentioned purposes. Referred to committee on corporations,
Mr. Little, a proposition relating to special legislation. Referred to committee on legislative department.

Mr. President announced the standing committees, as follows:—


**Legislative Department.**—Messrs. Lyon, Pickett, Cobb, Bliss, Coleman, Little, Rather, Hefflin, McClellan, Woolf, Rice, Brewer and Nesmith.

**Executive Department.**—Messrs. Herndon, Hefflin, Martin, Coleman, Torrey, Powell of Tuscaloosa, Willett, Harrison, Gilbreath, Nisbett, Ratcliffe, Akers and Bulger.

**Judicial Department.**—Messrs. Oates, Cobb, Mudd, Woolf, Pickett, Aiken, McClellan, Brown, Torrey, Bolling, Hames, Gamble and Pugh.


**Elections and Basis of Representation.**—Messrs. Mudd, Rather, Hames, Murphree, Nesmith, Johnson of Macon, Musgrove, Green of Choctaw, Dickinson, Long, Smith, Gilbreath and Foster of Hale.

**Corporations.**—Messrs. Langdon, Garrett, Rather, Moren, Callaway, Parks, O'Bannon, Laird, Hudson, Green of Conewuh, Robinson, Burgess and Davis.


**Amendments to the Constitution and Miscellaneous Provisions.**

Messrs. Moren, Martin, Battle, Richards, McClellan, Johnston of Macon, Bolling, Kelly, Aiken, Brown, Flournoy, Foster of Barbour, and Lewis.

**Militia.**—Messrs. Battle, O'Neal, Harrison, Hargrove, Norwood, Manasco, Lea of Baldwin, Meadows, Burton, Booth, Ingle, Johnston of Hale, and Delbridge.

**Order, Consistency and Harmony of the Whole Constitution.**—Messrs. Pugh, Mudd, Lyon, Langdon, Herndon, Stone, Lowe, Oates, O'Neal, Moren, Sykes, Willett and Scott.

On motion of Mr. Foster of Hale, 100 copies of the standing committees were ordered printed.

On motion of Mr. Moren, the Convention adjourned until 10 o'clock to-morrow.
FOURTH DAY.

THURSDAY, September 10, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. Ralls, of the Convention.
The journal of yesterday was read and approved.
Mr. Callaway offered a resolution instructing the commit-
tees to enquire into the expediency of making the Constitution
of the State adopted in 1819, the basis of the new Constitu-
tion to be framed by this Convention, with such alterations
and amendments as will best subserve the ends for which this
Convention was called.

Mr. Samford, a substitute that in accordance with the ena-
bling act the Convention shall not make any ordinance, rule
or law not clearly of a constitutional nature, nor by its action
deprive any person of his office, or his right to said office as
now held by him under the Constitution and laws of this State,
nor place any property or educational qualification upon the
right to vote in this State, nor to do any act, but to frame and
recommend for adoption a Constitution amendatory and revis-
sory of the Constitution now in force in this State.

Mr. Calloway, by leave, withdrew his resolution.

Mr. Samford then offered his substitute as an original res-
olution.

Mr. Richards, a substitute, that the Convention will adhere
as nearly as possible to the provisions of the enabling act un-
der which it has been called, in the formation of a Constitution,
and will take the present Constitution as the basis of its ac-
tion.

Mr. Little, an amendment to the substitute, by striking out
all after the word "resolved" and inserting the following:
That in our action in this Convention we will be governed by
and adhere to the act of the General Assembly calling this
Convention; which amendment was accepted by Mr. Richards
in place of his substitute.

Mr. Langdon moved to lay the resolution and substitute on
the table, which motion was lost.
Yea's 24, nay's 67.
Those who voted yea, are—
Messrs. Aiken, Akers, Bliss, Burns, Curtis, Dickinson, For-
wood, Garrett, Hargrove, Herndon, Langdon, Laird, Long,
Lowe, Mudd, Musgrove, NeSmith, Nisbett, Oates Pickett,
Powell of Tuscaloosa, Samford, Taylor and Torrey—24.

Those who voted nay, are—
Messrs. President, Algood, Battle, Bolling, Booth, Brewer,
Brown, Bulger, Burgess, Burton, Calloway, Cobb, Coleman,
Davis, Flournoy, Foster of Barbour, Foster of Hale, Gamble, Gibson, Gilbreath, Gordon, Green of Choctaw, Green of Conecuh, Gullett, Hames, Harrison, Heffin, Hudson, Ingle, Inzer, Jones, Kelly, Knox, Lea of Dallas, Lewis, Little, Livingston, Lyon, Manasco, Martin, McClellan, Meadows, Moren, Murphy, Norwood, Nowlin, O'Bannon, O'Neal, Parks, Plowman, Powell of Bullock, Prince, Pugh, Ralls, Rather, Rice, Richards, Samford, Scott, Smith, Sterrett, Stone, Sykes, White, Willett and Woold—27.

Mr. Powell of Bullock, offered as an amendment to the amendment the following: "And in framing a Constitution for submission to the people, this Convention shall take the present Constitution as the basis of its action."

The amendment was lost. Yeas 27, nays 65.

Those who voted yea, are—
Messrs. Aiken, Bliss, Booth, Brown, Bulger, Burton, Carson, Cobb, Curtis, Delbridge, Foster of Hale, Gibson, Gullett, Heffin, Knox, Livingston, McClellan, NeSmith, O'Neal, Plowman, Powell of Bullock, Rice, Richards, Smith, Sterrett, Sykes and White—27.

Those who voted nay, are—

Mr. Samford then, with leave, accepted Mr. Little's substitute, and the resolution as thus amended was then adopted.

Mr. President announced the following committees:
On Contested Elections.—Messrs. Cobb, Samford, Hargrove, Prince and Ingle.

On the communication of John H. White, stenographer—Messrs. Garrett, Herndon, Rice, Pickett and Pugh.

Mr. Martin. Propositions in the alternative to be submitted to the people apart from the Constitution, but to be voted for at the election for the ratification of the Constitution on the subject of exemptions. Referred to committee on exemptions.
Mr. McClellan, a proposition in relation to exemptions. Referred to committee on exemptions.

Mr. Foster of Barbour, a resolution providing for the appointment of a committee of seven, to be called the "committee on an address to the people," which committee shall prepare and report to this body, after the completion of the work of revising and amending the Constitution, an address to be issued by the Convention explanatory of the action thereof. Adopted.

Mr. Battle, a proposition relating to militia organizations. Referred to committee on militia.

Mr. Prince, a resolution reducing the judicial districts to eight; abolishing county solicitors and substituting district solicitors, but not to take effect until the expiration of present terms; reducing chancery divisions to three, and that these officers shall be elected, as at present, by the people. Referred to committee on judicial department.

Mr. Swan, a resolution that the social status of the citizen shall never be the subject of legislation. Referred to committee on bill of rights.

Mr. Inzer, a resolution that the committee on corporations be instructed to enquire into the propriety of empowering the General Assembly to form new counties in this State of not less extent than five hundred square miles. Referred to committee on corporations.

Mr. Jones, a resolution instructing the committee on legislative department to enquire into the expediency of so amending section 32, article 4, of the present constitution, as to prohibit the legislature from endorsing the bonds or lending the credit of the State to railroads, or other works of internal improvement. Referred to committee on legislative department.

Mr. Kelley, a resolution that the House of Representatives be composed of one member from each county, and that the Senate be composed of twenty-five members, distributed in proportion to population; provided, that no county shall be divided in order to make a senatorial district. Referred to committee on elections and basis of representation.

Also, a resolution fixing the per diem of senators and representatives at four dollars, and mileage at ten cents a mile each way. Referred to committee on finance and taxation.

Mr. Manasco, a resolution that the committee on exemptions be instructed to enquire into the expediency of adopting an article re-establishing the exemption law as it stands in the Code of Alabama, except the act approved February 19, 1867. Referred to committee on exemptions.
Mr. Foster of Barbour, a resolution that the committee on legislative department be instructed to enquire as to what clause, if any, shall be inserted in the constitution allowing and requiring the legislature to regulate and graduate the fees and perquisites of officers of courts in proportion to the population of the several counties in the State. Referred to committee on legislative department.

Also, a resolution that the committee on elections and basis of representation be instructed to enquire into the expediency of inserting into the constitution a clause making vacant the office of any State, county or municipal officer, who refuses on proper and legal demand by any person or authority entitled or authorized to receive the same, to pay over any money which has gone into his hands or possession by virtue of his office. Referred to committee on elections and basis of representation.

Also, a resolution looking to incorporating in the constitution a clause forbidding any officer in any city, county or town, to receive as fees or perquisites a salary of more than five thousand dollars.

Also, to require each State, county and municipal officer to file quarterly a statement of receipts for fees, salary and perquisites.

Also, rendering vacant the office of any one violating the provisions indicated above;
Referred to committee on legislative department.

Mr. Gibson, a proposition that all grants made by the United States, including sixteenth section fund and other grants, shall be faithfully performed by the payment of 8 per centum annually on the amount of said grants to the townships thereunto entitled, and make it the duty of the legislature to make such other appropriations out of the general taxes of the State as the condition of the finance of the State may demand. Referred to educational committee.

Mr. Flournoy, a resolution that the committee on elections be required to consider the propriety of changing the day of election, for all State and county officers, from the day now fixed by law to the first Monday in August. Referred to committee on elections.

Mr. Martin, a proposition in relation to impeachment and removal from office. Referred to committee on legislative department.

Mr. Sykes, a proposition making it the duty of the General Assembly to pass such laws as may be necessary to prohibit the intermarriage of white persons with persons of color to the fourth generation, and subject persons contracting such
marriages to such penalties as may be deemed expedient. Referred to committee on legislative department.

Also, a resolution that the constitution be so amended as to fix the first Monday in August as the day for all general elections, except elections for presidential electors and members of congress. Referred to committee on elections.

Mr. Willett, a proposition, as follows: The State of Alabama is a free and independent State, sovereign in her territorial limits, subject to the Constitution of the United States. The preservation of the States and maintenance of their governments are necessary to a Union of co-equal States, and were intended to co-exist with the Union, and any change or amendment of the Constitution of the United States without the consent of the State, obtained by the mode prescribed by the Constitution of the United States, is an infringement on the rights of local self-government belonging to the people of this State. Referred to committee on bill of rights.

Also, a proposition fixing the number of senators at not exceeding thirty-three, to be chosen for four years, and that no person who has not attained the age of thirty years, and who is not a citizen of the United States, and who has not been a qualified voter of this State for four years, and a resident of his district for one year, shall be chosen as a senator. Referred to legislative department.

Also, a proposition limiting the powers of the General Assembly. Referred to committee on legislative department.

Also, a proposition that the General Assembly shall meet biennially, on such day as may be prescribed by law, and shall not remain in session longer than forty days, except by a vote of three-fourths of each house. Referred to committee on legislative department.

Mr. Jones, a resolution that the committee on the bill of rights enquire into the expediency of inserting a separate clause in that department of the new constitution declaring the civil to be superior to the military power. Referred to committee on bill of rights.

Mr. Powell of Bullock, a proposition in relation to education. Referred to committee on education.

Mr. Herndon, a proposition relating to exemptions.

Mr. Powell of Tuscaloosa, a proposition in relation to the exemption of property from sale. Referred to committee on exemptions.

Mr. Livingston, a proposition that stockholders in incorporated companies for the development of the agricultural, manufacturing, mineral and mining interests of the State shall not be held individually liable for any debt contracted by such
companies for a greater sum than the amount of their unpaid stock. Referred to committee on corporations.

Also, a proposition prohibiting the General Assembly from authorizing any county, city, town or township or other political corporation or subdivision of the State to lend its credit.

Also, from legalizing the unauthorized acts of any officer, or agent of the State, or of any county or municipality thereof. Referred to committee on legislative department.

Mr. Ralls, a resolution that the power of the courts to punish for contempt, shall be limited by legislative acts. Referred to committee on bill of rights.

Also, a resolution that no citizen shall be denied the privilege of holding any public office or trust, because of his religious sentiments. Referred to committee on bill of rights.

On motion of Mr. Little, the convention adjourned until 12 o’clock to-morrow.

FIFTH DAY.

Friday, September 10, 1875.

The Convention met pursuant to adjournment.

Prayer by Rev. Dr. Tichenor.

The journal of yesterday was read and approved.

Mr. Sykes, from the select committee on rules, made a partial report, as follows:

The committee on rules have had the same under consideration, and instruct me to make the following partial report:

Not having had the time to frame an entire body of rules, we have taken the rules of the House of Representatives of 1874–5, as the basis, and recommend their adoption, with the changes indicated in this report. First. Strike out “Speaker,” and insert “President.” Second. That the 9th of said rules be changed by adding thereto the following, namely, “except a chairman of a standing committee, when the subject under consideration is the report of his committee.” Third. That the 11th of said rules be changed by adding thereto the following: “but the yeas and nays shall not be called, unless at the desire of one-sixth of the members present.” Fourth. That the 26th of said rules shall be so changed as to read as follows: “After the journal is read, the first half hour shall be appropriated to the introduction of resolutions and propositions looking to the amendment and revision of the constitution, unless such business is sooner disposed of.” The next business shall be, first, reports from standing committees;
second, reports from select committees, which may, also, be made at any time during the session of the convention, unless precluded by a privileged motion or order; third, orders of the day, provided that orders set for a definite time shall be taken up; fourth, unfinished and miscellaneous business. The order of business above prescribed, shall be followed unless suspended by a vote of two-thirds of the convention. Fifth. That the 34th of said rules be changed by striking out the word “bill,” and inserting the words “articles of the constitution.” Sixth. That the 37th of said rules be changed by adding the following: “but the committee of the whole may adopt rules limiting the time of each speaker and the number of speeches by any member on the same question.” Seventh. That the 21st, 27th, 29th, 30th, 31st, 32d, 35th, 39th and 41st rules be stricken out, as they are inappropriate to the convention. Eighth. The 22d and 23d rules have already been changed by the convention, which changes the committee recommend be continued.

Mr. Rice moved to postpone the consideration of the report until to-morrow; which motion was lost.

Mr. Rice, an amendment that free discussion shall not be suppressed, denied or impaired by any vote of this convention of less than four-fifths of the delegates voting.

Mr. Powell of Tuscaloosa, moved the previous question, and the call was sustained.

The report of the committee was then concurred in.

Mr. Foster of Barbour, moved to reconsider the vote yesterday adopting the resolution authorizing an address to the people at the close of the convention; which motion was carried.

Mr. Foster moved to amend the resolution by making the number of the committee five from the State at large and one from each congressional district, which motion was adopted, and the resolution as thus amended was adopted.

Mr. Foster of Barbour, a resolution that the committee on education be instructed to prepare and submit to the convention for its action a memorial to congress asking that an appropriation, of not less than $300,000, be made by the General Government to rebuild the buildings of the State University and apparatus of the University, destroyed by fire by the Federal troops, April 3, 1865; ruled out of order.

Mr. Garrett, a resolution that the committee on finance and taxation be requested to enquire if the expenses of the assessment and collection of taxes cannot be lessened, and to this end that they enquire whether it would not be more expeditious and economical for the assessments in each election pre-
cinct to be made by justices of the peace, or other persons appointed by the Auditor.

Resolved, That said committee be requested to enquire into the expediency of restricting the legislature from allowing any exemptions of property held by tax payers, and whether such restriction, with an efficient mode of assessing and collecting, will not raise more revenue for the State than is now collected upon a largely reduced per centum. Referred to committee on finance and taxation.

Also, a resolution instructing the committee on the judiciary department to enquire into the expediency and practicability of providing for but two chancellors, or restricting the number to two, and holding the courts at convenient points in districts to be arranged by the legislature, and the election of judges of the supreme court, chancellors, circuit judges and solicitors by the General Assembly. Referred to committee on judiciary.

Mr. Oates, a resolution instructing the committee on finance and taxation to report constitutional provisions for the relief of the State from financial embarrassments on account of indorsement of railroad bonds. Referred to committee on finance and taxation.

Mr. Foster of Hale, a proposition to amend the constitution in relation to education. Referred to committee on education.

Mr. Stone, from committee on bill of rights, reported a bill of rights for the constitution of Alabama.

Mr. Knox, from same committee, made a minority report. On motion of Mr. Pickett, the reports were laid on the table, and 100 copies of each ordered to be printed.

Mr. Battle, from the committee on militia, reported an article on militia for the constitution of the State.

Mr. Garrett moved that the report lie upon the table, and that 100 copies be printed. Carried.

Mr. Garrett, from select committee on the communication of John H. White, stenographer, reported adversely thereto, which report was concurred in.

Mr. Garrett moved to take from the table the resolution authorizing appointment of such assistants about the hall as may be necessary. Carried.

Mr. Sykes moved to amend by striking out "such assistants as may be deemed necessary," and inserting "one hall attendant," which motion was carried, and thus amended the resolution was adopted.

Mr. Samford, a proposition relating to exemptions. Referred to committee on exemptions.
Mr. Murphree, a proposition relating to the per diem and mileage of the members of the legislature. Fixes per diem at $4, and mileage at 10 cents. Referred to committee on legislative department.

Mr. White, a proposition in relation to education. Referred to committee on education.

Mr. Hargrove, a resolution instructing the committee on the legislative department to inquire into the expediency of declaring the office of senator or representative vacant when the person elected to said office has removed from the district or county for which he was elected. Referred to committee on legislative department.

On motion of Mr. Smith, the convention adjourned until 12 o'clock to-morrow.

SIXTH DAY.

Saturday, September 11, 1875.

Convention met pursuant to adjournment.

Journal of yesterday was read and approved.

Mr. Hargrove, an ordinance declaring who are the lawful tax collectors of the State, as follows:

Whereas, a contest is now going on in many of the counties of this State between claimants to the office of tax collector; and,

Whereas, there is great doubt as to who are the lawful tax collectors; and,

Whereas, it is proper to relieve the respective judges of probate of uncertainty as to who are entitled to the tax books of their counties; and,

Whereas, a settlement of this question by judicial proceedings would necessarily greatly delay the collection of the public revenue, and might result in serious loss to the State and many counties thereof; therefore—

Section 1. Be it ordained by the people of Alabama in Convention assembled, That the tax collectors who were elected at the general election held for the election of State and county officers in this State, on the third day of November, 1874, and who have given bond and qualified as such, are hereby declared to be the lawful tax collectors of this State, and shall have the right to collect all the taxes due for the year 1875.

Sec. 2. Be it further ordained, That all laws and parts of laws which are in conflict with the provisions of the first section of this ordinance be and the same are hereby repealed.
The point of order being made by Mr. Hefflin, that the ordinance was in violation of the rule adopted by the convention for the government of the action of the convention in reference to the matters it would consider,

Mr. Pugh moved to suspend the rule, which motion was carried.

Mr. Inzer moved the adoption of the ordinance.

Mr. Lowe moved to lay the motion upon the table; which latter motion was lost.

Mr. Little, an amendment that the words "or appointed," be inserted after the word "elected," which amendment was accepted.

Mr. Hefflin moved to refer the ordinance to the committee on the judiciary department, which motion was carried.

Mr. Mudd, from the committee on elections and basis of representation, reported an article upon representation for the constitution of the State of Alabama.

Mr. Mudd moved that the report be made the special order for Tuesday next, at 12 o'clock.

Mr. Hefflin moved to amend, by having 100 copies printed. On motion of Mr. Cobb, the amendment was laid upon the table.

The motion to postpone was then carried.

On motion of Mr. McClellan, the convention adjourned until 12 o'clock Monday.

SEVENTH DAY.

Monday, September 13, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Dr. Andrews.
The journal of Saturday was read and approved.
Mr. Lyon moved that the convention adjourn until Wednesday at 10 o'clock, in order to give the several committees an opportunity to perfect the work now before them, which motion was lost.

Mr. Meadows, a proposition to dispense with State and county superintendents. Referred to the committee on education.

Mr. Swan, a proposition providing for biennial sessions of the General Assembly, and the sessions shall not be longer than thirty days, except by a two-thirds vote of each house, and for the time beyond thirty days the pay of the members
shall be one dollar per day. Referred to committee on legislative department.

Mr. Prince, a proposition providing that taxation shall be equal and uniform throughout the State, and that all property shall be taxed in proportion to its value, which shall be ascertained in such manner as shall be prescribed by law. Referred to committee on finance and taxation.

Mr. Samford, a proposition prohibiting discrimination in charges or facilities for transportation by transportation companies and individuals, for or against either, by abatement, drawback or otherwise, or in charges for through and local freight.

Also, prohibiting the granting of free passes or tickets to any member of the General Assembly or State officer, and making the acceptance of such work a forfeiture of office. Referred to committee on corporations.

Mr. Rather, a resolution that the committee on education be instructed to enquire into the expediency of submitting to the voters of this State for their ratification the 11th section of the 11th article of the present constitution, separate and apart from the other provisions which said committee may prepare on the subject of education. Referred to the committee on education.

Also, a proposition on suffrage and election. Referred to committee on elections and basis of representation.

Mr. Harrison, a resolution that the General Assembly shall not have power to authorize any officer or tribunal to collect State or county taxes, either general or special, except the duly qualified tax collectors. Referred to committee on finance and taxation.

Mr. O'Bannon, a resolution upon the qualification of voters. Referred to committee on elections.

Mr. Laird, a resolution that county boundaries shall be arranged and designated by a two-thirds vote of the General Assembly, which may be altered by a like vote; but no new county shall be of less extent than five hundred square miles, nor shall any new county be abolished or reduced to less extent than five hundred square miles, nor shall any new county be formed which does not contain a sufficient number of inhabitants to entitle it to one representative, provided that each existing county shall be entitled to at least one representative. Referred to committee on elections.

Mr. Murphree, a resolution that no new county shall be established by the General Assembly of less extent than six hundred square miles, and no existing county shall be reduced to a less extent than six hundred square miles, nor shall the
dividing line of a county be less than ten miles from the county site, nor shall a new county be established which does not contain sufficient population to entitle it to one representative, leaving the counties from which it is taken also entitled to separate representation.

Pending the consideration of the same, the time allotted under the rules to the consideration of resolutions, &c., amending and revising the constitution expired, whereupon,

Mr. Sykes moved that the rule be suspended for the purpose of continuing the same business; which motion was carried.

Mr. Murphree's resolution was then referred to the committee on corporations.

Mr. Gordon, a resolution that the committee on exemptions be instructed to enquire into the expediency of so amending the exemption law of this State that it may be equal between the citizens thereof who reside in the country and those who reside in the towns and cities, and report upon the same; referred to committee on exemptions.

Also, a resolution that the appropriate committee be instructed to enquire into and report upon the expediency of reducing the constitutional size of the counties of this State to five hundred square miles. Referred to committee on legislative department.

Mr. Sykes, a resolution that the article on exempted property to be submitted to the people be left blank, and that two propositions on exempted property be submitted separately:

1. The same as under the present constitution.
2. Five hundred dollars' worth of property belonging to every citizen of this State, to be selected by the owner thereof, shall be exempt from levy and sale on execution or other final process.

That the proposition receiving the largest number of votes shall be inserted in the constitution and become part thereof. Referred to committee on exemptions.

Mr. Prince, a resolution that the census of this State shall not be taken the present year, nor until the year 1835, and every ten years thereafter. Referred to committee on elections.

Mr. Jones, a proposition that the General Assembly, by a two-thirds vote of both houses, may arrange and designate boundaries for the several counties, which shall not be altered except by a like vote. But no new county shall be formed of less extent than six hundred square miles, nor shall any existing county be reduced to less extent, and no new county shall
be formed which does not contain sufficient inhabitants to entitle it to one representative, or unless the county or counties from which it is taken shall be left with the required number of inhabitants entitling such county or counties to separate representation. Referred to committee on legislative department.

Mr. Livingston, a proposition, that the property, real and personal, of the State, counties, religious denominations, cemeteries and organizations strictly for charitable purposes, shall be exempt from taxation. Referred to committee on exemptions.

Mr. Booth, a proposition, that the committee on the legislative department be instructed to enquire into the propriety of providing in the constitution now to be framed that the Seat of Government of this State can only be removed by a direct vote of the people of the State, taken in accordance with law, on the question of removal. Referred to committee on legislative department.

Mr. Parks, a proposition, that the committee on the judicial department be instructed to enquire into the expediency of fixing the salary of the Attorney General at one thousand dollars, and of making the person who is elected or appointed to said office, also hold the office of Solicitor for the second judicial circuit. Referred to committee on judicial department.

Mr. Powell of Bullock, a resolution that the committee on exemptions be instructed to enquire into the expediency of exempting from sale or execution, &c., property to the value of three thousand dollars, whether real, personal or mixed, at the option of the owner, and report accordingly. Referred to committee on exemptions.

Mr. Robinson, a resolution, accompanied by a petition, that the committee on education take into consideration the propriety of abolishing the Board of Education and all unnecessary officers connected with the present system, and the reduction of salaries of the offices not abolished. Also, the propriety of incorporating into the organic law a school system, and thereby prevent the frequent changes it would be subject to if left to the General Assembly. Referred to committee on education.

Mr. Aiken, a resolution that the salary of the Governor be three thousand dollars; of the Secretary of State, fifteen hundred dollars; of the Auditor, fifteen hundred dollars; of the Treasurer, fifteen hundred dollars; of the Superintendent of Public Instruction, fifteen hundred dollars. Referred to committee on executive department.

Mr. Norwood, a petition from numerous citizens of Jackson,
praying for the reduction of the area of the counties to four or five hundred square miles. Referred to committee on elections and basis of representation.

Mr. McClellan, a proposition that all railroad companies shall pay reasonable value for all stock killed or injured, and all property destroyed by their respective roads without fault on the part of the owner or owners thereof, the Legislature to provide at its first session for the proper enforcement of this article. Referred to committee on corporations.

Mr. Lea of Dallas, a proposition that the General Assembly shall consist of a House of Representatives composed of seventy-five members, and a Senate composed of twenty-five members. Referred to committee on elections and basis of representation.

Mr. Knox, a proposition in relation to amending article six, section eleven, of the present constitution, relating to the election of judges of the supreme, circuit, probate and other courts, and chancellors. Referred to committee on judicial department.

Mr. Norwood, a resolution that the committee on the executive department enquire into the propriety and expediency of filling all vacancies in office, where said office is or may be elective, by election, when the unexpired time is for more than one year. Referred to committee on executive department.

Mr. Samford, a proposition that the General Assembly shall meet biennially, the Senators in the Senate Chamber and Representatives in the Representative Hall in the State Capitol, on such day as may be by law prescribed, and shall not remain in session longer than sixty days, and all laws or enactments passed after sixty days shall be absolutely void: Provided, in case of epidemic or urgent necessity, to be judged of by the Governor, he may convene the General Assembly at some other place by proclamation for twenty days preceding such assembling. Referred to committee on legislative department.

Mr. Jones, a resolution that the committee on the legislative department be instructed to enquire into the expediency of incorporating into the organic law a mode which will better secure the collection of the poll-tax. Referred to committee on legislative department.

Mr. Green of Choctaw, a petition in behalf of corporations. Referred to committee on corporations.

Mr. Oates, a resolution that the committee on the judicial department be instructed to enquire into and report upon the expediency of abolishing the county criminal courts of this State. Referred to committee on judicial department:
Mr. Burns, a proposition that the property of principals and sureties on bail bonds shall not be exempted from the payment of forfeitures and fines. Referred to committee on judicial department.

Mr. Forwood, a resolution that if it be expedient the counties of Clarke and Monroe be formed into a Senatorial District. Referred to committee on elections and basis of representation.

Mr. Booth, a proposition in relation to the mode of amending the Constitution of the State. Referred to committee on amendments and miscellaneous provisions.

Mr. Moren, a resolution that the committee on elections be required to enquire into the expediency of changing the term of the Governor’s office from two to four years. Referred to committee on elections and basis of representation.

Mr. Hargrove, a resolution that the committee on the legislative department be instructed to enquire into and report on the expediency of fixing the time of meeting of the General Assembly on the third Monday in January. Referred to committee on legislative department.

Mr. Manasco, a resolution that there be the sum of two thousand dollars worth of property, real, personal or mixed, permanently exempt from all legal process, to the head of each family, with the privilege of waiving the same. Referred to committee on exemptions.

Mr. Rice, a resolution that no law shall be enforced which in any manner or to any extent makes the right of any qualified voter dependent upon his having the actual possession of any certificate, or other written or printed instrument, at the time he may offer his vote. Referred to committee on elections.

Mr. Hames, a resolution that the Governor shall have power to veto any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation vetoed shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto. Referred to committee on executive department.

Mr. Davis, a resolution that the committee on education be instructed to enquire into the expediency of memorializing the Congress of the United States to make an additional appropriation to each township in this State of one section of land for the benefit of the public schools therein, and report to this Convention by memorial or otherwise. Referred to committee on education.
Mr. Aiken, a proposition to fix the salary and mileage of the legislators, and to require biennial sessions. Referred to committee on legislative department.

Mr. Harrison, a proposition that the General Assembly shall have no power to grant, or authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void. Referred to committee on legislative department.

Mr. Burton, a resolution that the committee on exemptions enquire into the expediency of reporting the following clause after the exemptions allowed:

"Provided, That any person entitled to the above exemptions may waive his or her right to any part or all of said exemptions in any contract or obligation in writing for the payment of money; and if the person entitled to said exemption is a married man, his wife shall sign said obligation or contract, provided said instrument shall be recorded as other instruments or conveyances are required to be recorded." Referred to committee on exemptions.

Mr. NeSmith, a proposition that the General Assembly shall divide the State into a convenient number of judicial circuits, having regard to the time required by law to hold all the terms of the circuit courts of the counties composing each circuit; and no circuit shall be formed requiring a less time to hold all the terms of all the courts in such circuit than thirty-five weeks in each year. Referred to committee on judicial department.

Mr. Stone, a resolution that the committee on corporations enquire into the expediency of reporting as a provision of the revised constitution: The General Assembly may, by a two-thirds vote of both houses thereof, arrange and designate boundaries of the several counties of this State, which boundaries shall not be altered except by a like vote. But no new counties shall be hereafter formed of less extent than six hundred square miles, and no existing county shall be reduced to less extent than six hundred square miles; and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative under the ratio at the time of its formation, or unless the county or counties from which it is taken be left with the required num-
ber of inhabitants entitling such county or counties to separate representation, but no part of a county shall be taken off to form a new county without the consent of a majority of the voters of all the counties affected by the change proposed. Referred to committee on corporations.

Mr. Norwood, a resolution that the judiciary committee's attention be directed to the expediency of the abolition of the chancery court system, and especially the rule for taking testimony in said court, and whether or not the jurisdiction of the circuit court might not be extended so as to cover all cases in equity as well as law. Referred to committee on judiciary department.

Also, that the same committee enquire into the expediency of abolishing the county court system; to abolish the office of county solicitor; to confer the criminal power, now exercised by the county courts, to magistrates and notaries public; to extend their jurisdiction to three hundred dollars. Referred to committee on judicial department.

Mr. Powell of Bullock, a proposition that any citizen of this State who shall, after the adoption of this Constitution, in this State fight a duel with deadly weapons, or send or accept a challenge so to do, or act as second, or knowingly aid or assist in any manner those thus offending, shall be disqualified for holding any office under the State. Referred to committee on legislative department.

Mr. Knox, a resolution that the committee on the executive department be instructed to enquire into the expediency of fixing salaries as follows: Governor, $1,500; Attorney General, $1,200; Secretary of State, $1,000; Auditor, $1,200; State Treasurer, $1,200. Referred to committee on executive department.

Mr. Laird, a proposition that the Governor of this State shall always reside, during the term for which he may have been elected, at the capital of the State, or at such other place as the sessions of the General Assembly may be held. Referred to committee on legislative department.

Mr. Samford, a proposition that the Executive of this State shall never call upon the Executive of the United States for military aid to interfere in the affairs of this State. Referred to committee on executive department.

Mr. Davis, a proposition that in the organization of the militia the whites and colored shall not be embraced in the same organization. Referred to committee on militia.

On motion of Mr. Little, the Convention adjourned until 12 o'clock to-morrow.
EIGHTH DAY.

TUESDAY, September 14, 1875.

Convention met pursuant to adjournment.
Journal of yesterday was read and approved.
Prayer by Rev. Mr. Callaway of the Convention.

Mr. Booth, a resolution that the committee on exemptions be requested to enquire into the propriety of providing in the constitution now being framed that the wages of laborers and employees shall be exempt from garnishment except on public dues. Referred to committee on exemptions.

Mr. Gibson, a resolution that no person in the State shall ever be deprived by law from collecting all the principal, with eight per cent. interest annually thereon, upon all debts due him, or her, by any plea of usury.

Also, a resolution that the number of circuit judges shall be reduced from twelve to eight, and their salary shall be $2,500.

Also, that the number of chancellors be reduced from five to three, and be paid annually $2,500. Referred to committee on judicial department.

Mr. Lea of Baldwin, a resolution that the committee on finance and taxation be instructed to enquire whether or not any constitutional provisions are necessary for the better securing and collection of State and county taxes from railroad and other corporations. Referred to committee on finance and taxation.

Mr. Bulger, a proposition that the General Assembly shall have no power to require any special license on any business, profession or occupation. Referred to committee on legislative department.

Mr. Burns, a proposition that the rate of annual taxation for State and county shall not exceed one per centum, and no property or assets of any individual or corporation, except for benevolent and charitable associations, shall be exempt from taxes.

The General Assembly shall not delegate to any city, town or other incorporation, power to tax any property at a higher rate than one-half of one per centum. Referred to committee on finance and taxation.

Mr. Curtis, a proposition that the personal property of any resident of this State to the value of one thousand dollars, to be selected by such resident, shall be exempted from sale or execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution. Referred to committee on exemptions.
Mr. Murphree, a proposition that any person who, directly or indirectly, bribes or offers to bribe a member of the Legislature or other public officer, shall be forever disqualified from holding any office of honor, trust or profit, and may be otherwise punished as provided by law; and any person accepting a bribe shall likewise be disqualified, and punishable by law. Referred to committee on legislative department.

Mr. Johnson of Macon, a proposition—
1. Prohibiting the holding of offices of profit under the United States and under the State at the same time.
2. Prohibiting lotteries. Referred to committee on amendments and miscellaneous provisions.

Mr. Akers, a resolution that the committee on finance and taxation enquire into the expediency of limiting the poll-tax to one dollar for State purposes, and that the counties have the power to levy fifty cents for county purposes. Referred to committee on finance and taxation.

Mr. Plowman, a proposition that the right of the people to elect their officers shall remain inviolate. Referred to committee on legislative department.

Mr. Lea of Baldwin, a resolution instructing the judicial committee to enquire into the expediency of increasing salaries and terms of the office of the judiciary of the State. Referred to committee on judiciary.

Mr. Harrison, a resolution instructing the committee on amendments and miscellaneous provisions to enquire into the expediency of providing for the classification and valuation of all the lands in this State, with a view of equalizing taxation and prohibiting the sale of any land for less than two-thirds of such assessed value. Referred to committee on miscellaneous provisions.

Mr. Bolling, a resolution that the exemption of property from legal process and homestead, be stricken from the constitution, and that the Legislature shall pass such an exemption law as they may deem proper. Referred to committee on exemptions.

Mr. Burns, a resolution that the General Assembly shall have no power to enact any law having for its purpose the raising of revenue, which requires a citizen of the State to obtain a license granted by the State, authorizing such person to engage in or to carry on any trade or profession, or useful occupation; Provided, it shall have full power to pass statutes authorizing the issue of licenses and regulations conducive to the comfort, safety, decency and good order of society. Referred to committee on finance and taxation.

Mr. Powell of Bullock, a resolution instructing the commit-
tee on judicial department to enquire into the expediency of incorporating in the constitution a provision that the General Assembly shall fix the salaries of the executive department. Referred to committee on judicial department.

Mr. Booth, a proposition that no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging; that no person who is now or may hereafter become a collector or receiver of public money, or assistant collector of such collector or receiver, shall be eligible to any office of trust or profit in this State, under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable. Referred to committee on legislative department.

Mr. Jones, a resolution that the committee on the legislative department be instructed to enquire into the expediency of fixing the poll tax at one dollar and fifty cents, and provide for the efficient collection of the same. Referred to committee on legislative department.

The chairmen of several committees reported back to the Convention various propositions heretofore referred to their committees, respectively, with recommendations that they be referred to other committees; which suggestions were concurred in.

Mr. Sykes, from the committee on finance and taxation, submitted the following report and article, both of which were, on motion of Mr. Oates, ordered to lie upon the table and two hundred copies ordered to be printed.

The committee on finance and taxation, to which a large number of resolutions looking to the financial condition of the State, and suggesting such ordinances as should be contained in the constitution, have had the same under consideration, and have given due deliberation to each resolution; have examined into the condition of the treasury, which they find almost exhausted, and have looked into the financial condition of the State, which is absolutely appalling. They find the total indebtedness of the State to be about $29,000,000, and the total value of taxable property about $159,000,000. That it would require nearly 20 per cent. of the entire taxable property of the State to liquidate the debt. This would indeed be appalling were it not for the hope of an adjustment, held out to us by the commissioners appointed to adjust the public debt, by which Alabama may be relieved from this
heavy burden which is crushing the energies of her people. The direct debt we find to be:

Five per cent. bonds, embraced in Auditor’s report of 1874 ........................................................ $3,295,600
Six per cent. bonds, embraced in Auditor’s report of 1874 ................................................................. 770,500
Eight per cent. bonds, embraced in Auditor’s report of 1874 ................................................................. 2,212,700
Unpaid interest about...................................................................................................................................... 850,000
Seven per cent. bonds issued, and to be issued, to the South and North, Savannah and Memphis, and Grand Trunk Railroad Companies, under the act authorizing the substitution of straight for endorsed bonds .......................................................... 1,192,000
State obligations ............................................................................................................................................ 1,000,000
Short bonds sold by Governor Lindsay, including unpaid interest, about .................................................. 170,000

Total ............................................................................................................................................................ $9,490,800

The annual interest upon the indebtedness enumerated above is $633,000.

We are informed by General L. W. Lawler and Col. T. B. Bethea, the commissioners appointed to adjust the public debt, to whom the committee is largely indebted for information, and who at all times have shown a willingness to aid us in our investigation, that the bonds of the State, to which Governor Lewis refers in his message of November, 1874, as having been hypothecated with sundry parties, amounting to $1,700,000, are still outstanding and unpaid.

All of them, except $650,000, in the hands of Josiah Morris & Co., were deposited with the creditors of the State as collateral security, and we are informed that if they were to be sold, at their market value, in no instance would the proceeds extinguish the claims for which they are held as collateral security.

Deducting the $650,000 held by Josiah Morris & Co., which properly belongs to the State, there remains outstanding $1,050,000 of the $1,700,000, being part of the issue of 1872 and 1873.

There is a large floating debt, so called, the extent and validity of which is undergoing investigation. One item is $524,000, alleged to be due the school fund for unpaid balances, prior to the present year./ Another item is about $600,000, claimed by the South and North Alabama Railroad Company, under an act appropriating the three per cent. fund
prior to the war. And we are informed by the commissioners that there are many other claims which have been presented against the State, making the total floating debt, if allowed, fully $1,500,000, and swelling the direct debt of the State, including the trust fund, to nearly $15,000,000.

The contingent liability of the State, on account of bonds loaned to and endorsed for railroad companies, yet amounts to more than $14,000,000, making the grand total of indebtedness, direct and contingent, fully $29,000,000, the annual interest upon which, including interest upon the trust fund as now provided by law, is not less than $1,900,000.

It is only necessary to present this statement of formidable indebtedness to convince the creditors of the State that full payment is impossible, and that the State can never resume the payment of interest until the debt is adjusted and reduced, so as to correspond with our diminished resources. But in the face of this dark feature it affords us pleasure to state that the commissioners are sanguine of their ability to reduce the entire indebtedness of the State, exclusive of the educational and trust funds, to a sum not exceeding $10,000,000, the interest on which will not exceed $420,000 per annum.

In view of these facts, your committee have been stimulated to extraordinary exertions in trying to so shape the financial article in the constitution, as to meet the ends which we have been induced to believe can be accomplished.

We recommend economy in each branch of the Government.

We recommend property to be taxed in proportion to its value.

We recommend a prohibition of the State from engaging in works of internal improvement, or the loaning of its credit for that purpose.

We recommend that no debt shall be incurred by the State, except to suppress insurrection, rebellion or invasion.

We recommend a reduction of 25 per cent. on all salaries, and a reduction of pay and mileage of members of Legislature, from six to four dollars per day, and from forty to ten cents per mile.

We recommend that the legislature shall not, in any one year, levy more than three-fourths of one per cent tax upon the property of the people for State purposes.

We believe, with these economical views fully carried out, and the contemplated compromise consummated, with this rate of taxation fixed at three-fourth of one per centum as a maximum, that our State will once more gain her deserved prosperity; that capital, seeing that our debt is reduced and
our taxing power limited, will seek investment in our cheap
lands, and population, always following capital, will fill up
our waste places; that our property will enhance in value and
a rapid reduction of the rate of taxation may be had, with yet
sufficient revenue to meet an economical administration and
pay interest on the public debt.

Your committee, therefore, submit the following article, and
recommend its passage.

F. W. SYKES, Chairman.
JOHN W. INZER,
SAMUEL FORWOOD,
GEORGE S. GULLETT,
E. A. POWELL,
LERoy BREWER,
A. C. GORDON,
A. A. STERRETT,
FRANK A. NISBET,
C. B. TAYLOR,
JONATHAN BLISS,
P. M. CALLAWAY,
W. J. SAMFORD,
Committee.

ARTICLE —.

TAXATION.

SEC. 1. All taxes levied on property in this State shall be
assessed in exact proportion to the value of such property, 
Provided, The General Assembly may levy a poll tax, not to
exceed one dollar and fifty cents on each poll, which shall be
applied exclusively in aid of the public school fund in the
county so paying the same.

SEC. 2. No power to levy taxes shall be delegated to indi-
viduals or private corporations.

SEC. 3. The State shall never engage in works of internal
improvement, nor lend its credit in aid of such; nor shall the
State be interested in, or lend money or its credit in aid of,
any individual, association or corporation, for any purpose
whatsoever.

SEC. 4. No county, or other municipal corporation of this
State, shall ever have the power, by any act of the General
Assembly or any other authority, to engage in or become a
stockholder in, or lend money or credit to any individual or
private corporation enterprise of any character whatsoever.

SEC. 5. After the adoption of this constitution, no debt shall
be created against or incurred by this State or its authority,
except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the General Assembly, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any debt against this State, except as herein provided for, shall be absolutely void; Provided, The Governor may be authorized to negotiate temporary loans, never to exceed one hundred thousand dollars, to meet deficiencies in the treasury, and until the same is paid no new loan shall be negotiated.

Sec. 6. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than three-fourths of one per cent. on the value of the property of this State.

Sec. 7. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the property thereof, than one-half of one per centum; Provided, that to pay debts existing at the adoption of this constitution, an additional rate of one-fourth of one per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon.

Sec. 8. No city, town, or other municipal corporation other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year, on the property thereof, than one-half of one per cent. of the value of such property, as assessed for State taxation during the preceding year; Provided, for the payment of debts existing at the time of adoption of this constitution and the interest thereon, an additional rate of one and one-half per cent. may be collected to be applied exclusively to such indebtedness. And, Provided, this section shall not apply to the city of Mobile, which city may levy —— to pay the expense of the city government and —— to pay the present indebtedness and interest thereon.

Sec. 9. The per diem of members of the General Assembly of this State shall not exceed $4, and the mileage shall not exceed 10 cents per mile going to and returning from the State capitol.

Sec. 10. At the first session of the General Assembly after the adoption of this constitution, the salaries of State Officers as now existing shall be reduced at least 25 per cent. And after said reduction the General Assembly shall not have the power to increase the same, except by a vote of two-thirds of the members of each house, taken by yeas and nays, and entered on the journals. Provided, The pay of no officer of this State shall be changed during the time for which he was elected or appointed.
On motion of Mr. Harrison, the report of the committee on the bill of rights was taken from the table.

On motion of Mr. Knox, the convention proceeded to the consideration of the bill of rights, as reported by the committee, section by section.

The preamble was read as follows:

We, the People of the State of Alabama, by our Representatives in Convention assembled, in order to establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure to ourselves and to our posterity the rights of life, liberty and property, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama.

Mr. Stone offered the following as a substitute for the preamble, which was adopted, and the preamble, thus amended, was adopted.

PREAMBLE.

We, the People of the State of Alabama, by our Delegates in Convention assembled, profoundly grateful to Almighty God for the right of choosing our form of government, in order to establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure to ourselves and to our posterity the rights of life, liberty and property, invoking the aid of Divine Providence, do ordain and establish the following Constitution and form of Government for the State of Alabama.

The following sections were then adopted.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general and essential principles of liberty and free government may be recognized and establish, We Declare—

Sec. 1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Sec. 2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared to be citizens of the State of Alabama, possessing equal civil and political rights.

Sec. 3. That all political power is inherent in the people, and all free governments are founded on their authority, and
instituted for their benefit; and that, therefore, they have, at all times, an inalienable and indefeasible right to change their form of government, in such manner as they may deem expedient.

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

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

Sec. 6. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures or searches, and that no warrant shall issue to search any place, or to seize any person or thing, without probable cause, supported by oath or affirmation.

Sec. 7. That in all criminal prosecutions the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment or information, a speedy public trial, by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, or be deprived of his life, liberty or property, but by due process of law.

Sec. 8. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Section nine was read, as follows:

Sec. 9. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the land and naval service, or in the militia when in actual service, or by leave of the court, for oppressions or misdemeanors in office; Provided, That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy, and other misdemeanors, the General Assembly may, by law, dispense with a grand jury, and authorize such
prosecutions and proceedings before justices of the peace or such other inferior courts as may be by law established.

Mr. Martin moved to amend by inserting after the word "provided," the words "otherwise than as provided in this constitution."

Mr. Herndon moved as an amendment to the amendment the following: Strike out the words "for oppression and misdemeanors in office," and insert "for misfeasance, misdemeanor, extortion and oppression in office," which last amendment was accepted, and the amendment thus amended was adopted.

The section thus amended was then adopted.

The tenth section was then read, as follows:

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

Mr. Samford moved to strike out "limb," and insert "liberty;" which motion was lost.

Mr. Oates moved to strike out "of life and limb." The motion to strike out was lost.

Mr. McClellan moved to add the word "liberty;" which motion was lost.

The section was then adopted.

The following sections were adopted:

Sec. 11. That no person shall be debarred from prosecuting or defending, before any tribunal in the State, by himself or counsel, any civil cause to which he is a party.

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

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

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

The following section was then read:

Sec. 15. The State of Alabama shall never be made defendant in any court of law or equity.

Mr. Oates moved to strike out the section.

On motion of Mr. Harrison, the motion was laid on the table.
Mr. Oates then offered the following amendment: Amend by adding the following words, "except by its permission upon a vote of two-thirds of the members of each house of the General Assembly."

On motion of Mr. Flournoy, the amendment was laid on the table. Ayes 53, noes 38.

Those who voted yea are—

Those who voted nay, are—

Mr. Rice moved to amend by adding the following words: "Except as a trustee and in respect to trust funds originally derived or received from or under an act of the Congress of the United States; but any suit of that kind instituted in any court of equity in this State, by any citizen or domestic corporation of this State, shall be maintained and determined under the general rules governing such courts in ascertaining the liability of trustees who have voluntarily received trust funds."

Pending consideration of the amendment, on motion of Mr. Moren, the convention adjourned until 12 o'clock tomorrow.

NINTH DAY.

WEDNESDAY, September 15, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. White, of the convention.
The journal of yesterday was read and approved.
Mr. Burns offered a proposition that no property shall be
exempt from the payment of judgments rendered for libel or slander or defamation. Referred to committee on exemptions.

Also, a proposition that mechanical and agricultural employees shall have a lien upon all property manufactured or produced by their labor. Referred to committee on legislative department.

Mr. White, a proposition that there shall be exempt to the head of each family from execution or other final process of a court, eighty acres of land, if in the country, or in lieu thereof a house, and if in any town or city not exceeding one thousand dollars in value, and five hundred dollars worth of personal property, to be selected by the claimant thereof, as may be provided by law, and the legislature shall have no power to increase this exemption. Referred to committee on exemptions.

Mr. Lewis, a proposition providing for organization of a board of public works. Referred to committee on legislative department.

Mr. Oates, from committee on judicial department, submitted the following majority report:

The committee on the judicial department, to which was referred the ordinance declaring who are the lawful tax collectors of this State, as follows, to-wit: Whereas, a contest is now going on in many of the counties of this State between claimants to the office of tax collector; and, whereas, there is great doubt as to who are the lawful tax collectors; and, whereas, it is proper to relieve the respective judges of probate of uncertainty as to who are entitled to the tax books of their counties; and, whereas, a settlement of this question by judicial proceedings would necessarily greatly delay the collection of public revenue, and might result in serious loss to the State and many counties thereof—therefore,

Sec. 1. Be it ordained by the people of Alabama, in convention assembled, That the tax collectors who were elected at the general election held for the election of State and county officers in this State, on the 3d day of November, 1874, or appointed since that time, and who have given bond and qualified as such, are hereby declared to be the lawful tax collectors of this State, and shall have the right to collect all the taxes due for the year 1875.

Sec. 2. Be it further ordained, That all laws or parts of laws which are in conflict with the provisions of the first section of this ordinance, be and the same are hereby repealed;—have had the same under consideration, and a majority of said committee instruct me to report adversely thereto.
Mr. Woolf, from the minority of said committee, submitted the following report:

The minority of the committee on judicial department, to which was referred the ordinance relating to or declaring who are the lawful tax collectors of this State, respectfully dissent from the report of the majority, and do recommend the passage of said ordinance by this convention.

H. A. WOOLF,
W. S. MUDD,
S. J. BOLLING,
R. O. PICKETT.

Messrs. Cobb and Torrey submitted the following report:

We do not concur in the report of either the majority or minority of the committee, and prefer to remain uncommitted by the report of either.

Mr. Inzer moved that the minority report be substituted for the majority report.

Mr. Lowe moved to lay the motion upon the table; which was carried.

Mr. Rice moved to lay the majority report upon the table; which motion was lost. Ayes 24, noes 67.

Those who voted yea, are—


Those who voted nay, are—


The adverse report of the majority of the committee, was then concurred in.

Mr. Lowe, from the committee on exemptions, submitted a report and an article.

Mr. Foster of Barbour, moved that the report lie on the table and that one hundred copies be printed; which motion was carried.
Mr. Herndon, from the committee on executive department, submitted a report and article.

Mr. Harrison, from the same committee, submitted a minority report.

Mr. Garrett moved that both reports lie on the table and that one hundred copies be printed; which motion was carried.

Mr. Mudd offered a proposition as a schedule for the constitution; and, on his motion, the same was laid on the table and one hundred copies ordered printed.

On motion of Mr. Garrett, the convention adjourned until 12 o'clock to-morrow.

TENTH DAY.

THURSDAY, September 16, 1875.

The convention met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

Journal of yesterday being partly read, on motion of Mr. Foster of Barbour, the further reading was dispensed with, on account of its length.

Mr. Lowe offered a proposition that the General Assembly shall enact no law requiring a citizen of the State to obtain a license to engage in or carry on any useful trade or occupation, nor shall such power be delegated to any county, town or municipal corporation; provided, the General Assembly shall have full power to enact laws for the issue of retail licenses, or regulations promotive of the comfort, safety, decency and good order of society. Referred to legislative department.

Mr. Swan, a proposition that the duties of county superintendent be imposed upon the probate judge, and that he shall receive for his services one per cent. of all the money paid out by him to teachers. Referred to committee on education.

Mr. Knox, a resolution that Section 13 of Article VI, of the present constitution, be amended by striking out all after the word "provided."

Mr. Burns, a proposition that no property, assets or wages of delinquents shall be exempt from the payment of any taxes due to State, county or city. Referred to committee on finance and taxation.

Mr. Inzer moved to suspend the order of business so as to take up the bill of rights; which motion was carried.
The question was upon the adoption of the amendment offered by Mr. Rice to the 15th section.

Mr. Moren moved to lay the amendment on the table; which motion was carried. Yeas 87, nays 8.

Those who voted yea, are—


Those who voted nay, are—


Mr. Meadows, an amendment to 15th section, “except as trustees in respect to trust funds received from and under any acts of congress of the United States or other sources for educational purposes.”

On motion of Mr. Richards, the amendment was laid on the table.

Mr. Rice, an amendment to 15th section, as follows: “But it is hereby made the imperative duty of the General Assembly at its next session, as well as at each ensuing session, upon the application by petition or otherwise to that body to ascertain without delay the liability of the State for and in respect to such trust funds originally derived from or received under an act of congress, as may be made in such application and in whose favor such liability exists, and to make such provisions for its ultimate satisfaction as the General Assembly may think consistent with the welfare and good faith of the State as a trustee.”

Mr. Harrison moved the previous question, which prevailed, and the amendment was cut off.

The 15th section was then adopted.

The 16th, 17th, 18th, 19th, 20th, 21st and 22d sections were adopted, as follows:

Sec. 16. That excessive fines shall not be imposed, nor cruel or unusual punishments inflicted.

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

Sec. 18. That the privilege of the writ of habeas corpus
shall not be suspended by the authorities of this State.

Sec. 19. That treason against the State shall consist only
in levying war against it, or adhering to its enemies, giving
them aid and comfort; and that no person shall be convicted
of treason except on the testimony of two witnesses to the
same overt act, or his own confession in open court.

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

Sec. 21. That no person shall be imprisoned for debt.

Sec. 22. That no power of suspending laws shall be exer-
cised, except by the General Assembly.

Section 23 was read, as follows:

"That no ex post facto law, or any law impairing the obliga-
tion of contracts, or retrospective in its operations, or making
any irrevocable grants of special privileges or immunities
shall be passed by the General Assembly."

Mr. Oates moved to amend section 23 by striking out the
words "or retrospective in its operation." Adopted, and the
section, as amended, was adopted.

Section 24 was then read, as follows:

"That private property shall not be taken or applied for
public use, unless just compensation is made therefor; nor
shall property be taken for private use, or for the use of cor-
porations other than municipal, without the consent of the
owner; Provided, however, that laws may be made securing
to persons or corporations the right of way over the lands of
either persons or corporations, and for works of internal im-
provement, the right to establish depots, stations and turn-
outs, but just compensation shall in all cases be first made to
the owner."

Mr. Herndon offered the following as a substitute for
section 24:

The exercise of the right of eminent domain shall never be
abridged, or so construed as to prevent the General Assembly
from taking the property and franchises of incorporated com-
panies and subjecting them to public use same as individuals.
But private property shall not be taken or applied for public
use, unless just compensation be first made therefor; nor
shall private property be taken for private use or for use of
corporations, other than municipal, without the consent of the
owner; Provided, however, the General Assembly may by
general laws provide for and regulate the exercise by persons or corporations of the right herein reserved.

Mr. Samford offered as amendment to the substitute the following:

Provided, That right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

Mr. Herndon accepted the amendment.

Mr. Harrison offered to amend as follows:

Provided, however, that laws may be made securing to persons the right of way over the lands of either persons or corporations.

Mr. Coleman proposed as amendment to last amendment, "but in all cases just compensation shall be allowed;" which was accepted.

Mr. McClellan moved to recommit section 24, and all amendments thereto, to committee on bill of rights; which was carried.

Section 25 was read: That all navigable waters shall remain forever public highways, free to the citizens of the State and of the United States, without tax, impost or toll imposed; and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be expressly authorized by the General Assembly.

Mr. Plowman moved to amend by striking out the words "unless the same be expressly authorized by the General Assembly."

On motion of Mr. Parks the amendment was laid upon the table.

Section 25 was adopted.

Section 26 was adopted as follows: That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances, or other purposes, by petition, address or remonstrance.

Section 27 was read: That every citizen has a right to bear arms in defense of himself and the State.

Mr. Oates moved to amend as follows: But no one shall, except when in the service of the State, carry about his person a pistol, or bowie knife or knife of like kind, unless he be
traveling, or setting out on a journey, or is threatened with, or has good reason to apprehend an attack.

Mr. Richards moved to lay the amendment on the table; which motion was carried.

Section 27 was adopted.

Section 28 was read: That no person who conscientiously scruples to bear arms shall be compelled to do so, but may pay an equivalent for personal services.

On motion of Mr. Samford the section was stricken out.

Sections 29, 30 and 31 was adopted as follows:

Sec. 29. That no standing army shall be kept up without the consent of the General Assembly; and, in that case, no appropriation for its support shall be made for a longer term than one year, and the military shall, in all cases and at all times, be in strict subordination to the civil power.

Sec. 30. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; or in time of war, but in a manner prescribed by law.

Sec. 31. That no title of nobility, or hereditary distinction, privilege, honor or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

Section 32 was read: That emigration from the State shall not be prohibited, and that no citizen shall be exiled.

Mr. Stone moved to amend by adding the following words: "and that immigration to the State shall be encouraged."

The amendment was adopted, and the section was then adopted.

Sections 33, 34 and 35 were adopted as follows:

Sec. 33. That temporary absence from the State shall not be a forfeiture of residence once obtained.

Sec. 34. That no form of slavery shall exist in this State, and there shall be no involuntary servitude otherwise than for the punishment of crime, of which the party shall have been duly convicted.

Sec. 35. The right of suffrage shall be protected by laws regulating elections, and prohibiting under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

Section 36 was read: That this State shall never claim or exercise any right to sever its relations with the Federal Union, or pass any law in derogation of the authority of the Government of the United States.

Mr. Knox moved to substitute the following minority report, to-wit:
SEC. 36. That this State has no right to sever its relations to the Federal Union, or to pass any law in derogation of the paramount allegiance of the citizens of this State to the Government of the United States.

Mr. Martin moved to lay the substitute on the table; which was carried—yeas 77, nays 10.

Those who voted yea are—


Those who voted nay are—


Mr. Pickett moved to strike out the section.

Mr. Lowe moved to lay the motion upon the table; which motion was carried—yeas 75, noes 15.

Those who voted yea are—


Those who voted nay are—


Mr. Lowe offered the following substitute for said section:

The people of this State accept as conclusive the construc-
tion now established that the Federal compact between the United States of America is an indissoluble Union of indestructible States, and from this Union there can be no secession of any State.

Mr. Pickett moved to lay the substitute on the table; which motion was carried—ayes 53, noes 35.

Those who voted yea are—


Those who voted nay are—


Mr. Harrison moved the previous question, and the call was sustained and section adopted—yeas 81, nays 7.

Those who voted yea are—


Those who voted nay are—


Mr. Langdon offered the following additional section, to follow the section known as section 36:

That Alabama is a free and independent State, subject only
to the Constitution of the United States; and, as the preservation of the States and the maintenance of their governments are necessary to an indestructible Union, and were intended to co-exist with it, the General Assembly is not authorized to adopt, nor will the people ever assent to, any amendment of the Constitution of the United States which may, in any wise, impair the right of local self-government belonging to the people of this State.

Mr. Foster of Barbour called for the previous question; and the call was not sustained.

On motion of Mr. Langdon, the Convention adjourned until 12 o'clock to-morrow.

ELEVENTH DAY.

FRIDAY, September 17, 1875.

The Convention met pursuant to adjournment.

Prayer by Rev. Dr. Gwin of this city.

On motion of Mr. Powell of Tuscaloosa, the reading of the journal was dispensed with.

Mr. O'Neal moved that the vote by which the Convention on yesterday adopted section 36 of the bill of rights be reconsidered; which motion was carried—ayes 89, noes 2.

Those who voted nay are—

Messrs. Burns, and Foster of Hale.

Mr. Pugh then offered the following substitute for section 36:

The people of this State accept as final the established fact that from the Federal Union there can be no secession of any State.

Mr. Pugh demanded the previous question upon his substitute; and the call was sustained—yeas 82, nays 10.

Those who voted yea are—

Rather, Richards, Robinson, Samford, Scott, Smith, Sterrett, Stone, Swan, Sykes, Torrey, Weathers, White, Willett and Woolf—82.

Those who voted nay are—

The substitute for section 36 was then adopted—yeas 94, nays none.

Mr. Little moved to suspend the regular order of business in order to continue the consideration of the bill of rights; which motion was carried.

Mr. Langdon, with leave, withdrew the proposed additional section submitted by him on yesterday.

Mr. Aiken moved to strike out section 37, which reads as follows:

Foreigners who are, or may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession and enjoyment and inheritance of property, as native born citizens.

Mr. Foster of Barbour moved to lay the motion upon the table; which motion was carried.

Mr. Lewis moved to amend by striking out the words “bona fide.”

Mr. McClellan moved to lay the motion upon the table; which motion was carried.

The section was then adopted.

Section 38 was read as follows:

That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property; and when the government assumes other functions it is usurpation and oppression.

Mr. Foster of Hale, moved to amend by striking out all after the word “property.”

On motion of Mr. Foster of Barbour, the amendment was laid on the table.

The section was then adopted.

Section 39 was read as follows:

The Legislature shall impose no educational or property qualification for suffrage or office, nor any restraint upon the same, on account of race, color or previous condition of servitude.

On motion of Mr. Herndon, the word “Legislature” was stricken out and the words “General Assembly” inserted in lieu thereof.

Mr. Murphree moved to amend by striking out the word “or” after the word race; which amendment was adopted.
Mr. Booth moved to amend by adding, "or for non-payment of taxes."

On motion of Mr. Richards, the amendment was laid on the table.

Mr. Rice moved to amend by adding: "The right of no qualified voter in this State, shall ever be dependent upon his having the actual possession of any certificate or other written or printed instrument, when he offers his vote at any election in this State."

On motion of Mr. Samford, the amendment was laid on the table.

The 39th section, as amended, was then adopted.

Section 40 was then adopted, as follows:

"That this enumeration of certain rights, shall not impair or deny others retained by the people."

Mr. Stone offered the following as a substitute for section 24, which had been recommitted to the committee on the bill of rights.

"The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as individuals. But private property shall not be taken or applied for public use unless just compensation be first made therefor; nor shall private property be taken for private use or for use of corporations, other than municipal, without the consent of the owner; Provided, however, that the General Assembly may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons or corporations of the right herein reserved, but just compensation shall in all cases be first made to the owner; and, provided further, that right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association."

The substitute was adopted, and the section, as amended, was then adopted.

The bill of rights was then referred to the committee on the order, consistency and harmony of the whole constitution.

Mr. Moore, from the committee on the amendments and miscellaneous provisions, reported the following article:
ARTICLE —.

MODE OF AMENDING THE CONSTITUTION.

Sec. 1. The General Assembly may, whenever two-thirds of each house shall deem it necessary, propose amendments to the constitution, which, having been read three times on three successive days, shall be duly published, in such manner as the General Assembly may direct, at least three months before the next general election for representatives, for the consideration of the people; and it shall be the duty of the several returning officers at the next general election which shall be held for representatives, to open a poll for the vote of the qualified electors on the proposed amendments, and to make a return of said vote to the Secretary of State; and if it shall thereupon appear that a majority of all the qualified electors of the State, who voted for representatives, voted in favor of the proposed amendments, said amendments shall be valid to all intents and purposes as parts of this constitution, and the result of such election shall be made known by proclamation of the Governor.

Sec. 2. No convention shall hereafter be held for the purpose of altering or amending the constitution of this State, unless the question of convention or no convention shall be first submitted to a vote of all the electors twenty-one years of age and upwards, and approved by a majority of electors voting at said election.

Also, from same committee, an article on miscellaneous provisions, as follows:

MISCELLANEOUS PROVISIONS.

1. No person holding an office of profit under the United States, shall, during his continuance in such office, hold any office of profit under this State.

2. The General Assembly shall have no power to authorize lotteries or gift enterprizes, for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State, and all acts, or parts of acts, heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

Both reports were ordered to lie on the table and one hundred copies to be printed.
Mr. Oates, from the committee on the judicial department, submitted a report, and article for the constitution.

Mr. McClellan, from the same committee, submitted a minority report, for himself, Mr. Cobb and Mr. Mudd, as to sections 4, 25, 28 and 29.

On motion of Mr. Garrett, the reports were laid on the table and 100 copies ordered printed.

Mr. O'Neal, from the committee on education, submitted a report, accompanied by an article.

Mr. Livingston, from same committee, submitted a minority report.

On motion of Mr. Lowe, the reports were laid on the table and 100 copies ordered printed.

Mr. Lyon, from the committee on legislative department, submitted a report and article, and, on his motion, they were laid on the table and 200 copies ordered printed.

Mr. Mudd, from the committee on elections and basis of representation, reported the following:

ARTICLE —.

SUFFRAGE AND ELECTIONS.

SEC. 1. Every male citizen of the United States, and every male person of foreign birth, who may have declared his intention to become a citizen of the United States, one month before he offers to vote, who is twenty-one years old or upwards, possessing the following qualifications, and who shall have registered as hereinafter provided, shall be an elector, and shall be entitled to vote at any election by the people:

First.—He shall have resided in the State at least one year immediately preceding the election at which he offers to vote.

Second.—He shall have resided in the county for three months, and in the precinct, district or ward for fifteen days immediately preceding the election at which he offers to vote; Provided, That no soldier, or sailor, or marine in the military or naval service of the United States shall acquire a residence by being stationed in this State.

SEC. 2. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be viva voce.

SEC. 3. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors, but the following classes shall not be permitted to register, vote or hold office:

1. Those that shall have been convicted of treason, embezzlement of the public funds, malfeasance in office, or crime
punishable by imprisonment in the penitentiary, or bribery.
2. Those who are idiots or insane.

Sec. 4. All persons who shall be required to register hereafter, in order to entitle them to vote, shall take and subscribe the following oath:

"I, ——, do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States, and the Constitution and Laws of the State of Alabama, and that I possess the qualifications of an elector as provided by the Constitution and Laws of the State of Alabama."

Sec. 5. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to and returning therefrom.

Sec. 6. The General Assembly shall pass laws, not inconsistent with the Constitution, to regulate and govern elections in this State, and all such laws shall be uniform throughout the State.

Sec. 7. It shall be the duty of the General Assembly to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at elections.

Sec. 8. Returns of elections for all civil officers who are to be commissioned by the Governor, and for members of the General Assembly, shall be made to the Secretary of State.

Ordered to lie on the table, and one hundred copies to be printed.

Mr. Cobb, with leave, offered the following resolution, which was adopted:

Resolved, That the President of this Convention appoint a clerk for the purpose of enrolling the reports of committees as they shall be adopted by the convention.

Mr. O'Neal, from the committee on education, submitted a memorial to the congress of the United States in relation to the Agricultural and Mechanical College at Auburn, the rebuilding and furnishing of the State University, and educational interests generally in this State.

On motion of Mr. White, the memorial was unanimously adopted.

On motion of Mr. Inzer, the convention proceeded to the consideration of the article on finance and taxation, submitted by Mr. Sykes on the 14th inst.

The first and second sections were adopted.

On motion of Mr. Cobb, the consideration of the third section was postponed for the present.

Mr. Livingston moved to amend the fourth section, as follows:
Provided, That the General Assembly may, on undoubted security, by a vote of five-sixths of all the members of both houses thereof, loan its credit in aid of and to assist the General Government in removing obstructions to navigation in the Coosa river.

On motion of Mr. Sykes, the amendment was laid upon the table.

Mr. McClellan moved to amend by inserting the words "directly or indirectly," after the word "never."

On motion of Mr. Richards, the amendment was laid on the table.

Mr. Hargrove offered the following as a substitute for section four:

The General Assembly shall have no power to authorize any county, city, town or political corporation or subdivision of the State now existing, or that may be hereafter established, to lend its credit or to grant public money or other thing of value in aid of or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; provided, that these restrictions shall not apply to any city or town in which two-thirds of the owners of the real estate by their votes authorize such loan, grant or subscription.

Mr. Sykes moved to lay the substitute upon the table, which motion was carried.

Mr. Samford moved to amend by inserting after the word "individual" in the third line, the word "associate," and by striking out "corporation" and inserting "corporate," which was adopted.

Mr. Sykes moved to strike out the word "other" in the first line, which was carried.

Mr. Powell of Tuscaloosa, moved to amend by inserting after the word "in" in the third line, the words "any work of internal improvement."

On motion of Mr. Little, the amendment was laid upon the table.

The section, as amended, was then adopted.

Mr. Oates offered the following substitute:

After the ratification of this constitution, no debt shall be created against or incurred by this State or its authority, except—

1st. That the General Assembly shall have power to compromise with the holders of lawful bonds of this State, by substituting therefor new bonds having thirty years to run, renewable and to be extended for twenty years, at the pleasure of the State, and bearing not more than 4 per cent. interest,
payable annually; and upon the acceptance of such new bonds by the creditors of the State, to the amount of one million of dollars or upwards, it shall be the duty of the State Auditor to levy a special tax upon the taxable property of the State of such a per centum only as will be sufficient to pay the accruing annual interest upon such of said new bonds as have been exchanged or negotiated; and upon the 1st Monday in January of each succeeding year, the Auditor shall in like manner levy such special tax as herein provided, as will be necessary to pay the annual accruing interest upon such amount of new bonds as have then been exchanged or negotiated, as in this section provided; and the taxes levied and collected under this section shall be applied exclusively to the payment of interest upon said new bonds, the mode, time and place of such payment to be prescribed by law.

2d. Such amount as may be necessary to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the General Assembly, the vote thereon to be taken by yeas and nays and entered on the journals; and any act creating or incurring any debt against this State, except herein provided for, shall be absolutely void.

Pending the consideration of the substitute, on motion of Mr. Pickett, the convention adjourned until 10 o'clock tomorrow.

TWELFTH DAY.

Saturday, September 18, 1875.

The Convention met pursuant to adjournment.

Prayer by Rev. Mr. Richards, of the Convention.

The journal of yesterday was read and approved.

Mr. Harrison, with leave, offered a resolution—

1. That the President of the Convention be requested to forward a copy of the memorial reported by the committee on education, to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, with the request that they present said memorial to their respective houses.

2. That the Secretary of the convention be instructed to forward a copy of the said memorial to Senator Goldthwaite and each of our Representatives in Congress, with the request that they bring the subject matter thereof to the consideration of congress and urge the granting of the petition therein contained.
Mr. Garrett moved to amend by striking out "Senator Goldthwaite" and inserting "our Senators."

Mr. Lowe moved to lay the amendment on the table, which motion was lost.

The amendment was adopted, and the resolution, as amended, was then adopted.

Mr. Aiken, a proposition as section — of the schedule. Referred to the committee on order, consistency and harmony of the constitution.

Mr. Lea of Baldwin, a proposition that whenever, in this State, any person is sentenced to be punished by death, the court must direct that he be hanged by the neck until he is dead, in the prison wherever he is confined, or in some other more convenient but private place. Referred to committee on executive department.

The report of the committee on finance and taxation then came up for consideration.

On motion of Mr. Powell of Tuscaloosa, the further consideration of the report was postponed until Tuesday next.

On motion of Mr. Battle, the convention proceeded to the consideration of the report of the committee on militia.

The first section was read as follows:

All able bodied male inhabitants of this State between the ages of 18 and 45 years, who are citizens of the United States or have declared their intention to become such citizens, shall be liable to militia duty in the militia of the State; Provided, That no person who is religiously scrupulous of bearing arms can be compelled to do so, but may be compelled to pay an equivalent for military service in such manner as may be prescribed by law.

On motion of Mr. Battle, the proviso was stricken out.

The section, thus amended, was adopted.

Sections two and three were adopted as follows:

Sec. 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Section four was read as follows:

Volunteer organizations of infantry, cavalry and artillery may be formed, under such restrictions and privileges as may be provided by law.

Mr. Battle moved to amend by inserting "with such" be-
tween the words "and" and "privileges" in the second line, which amendment was adopted.

The section, thus amended, was adopted.

Section five was adopted, as follows:
The volunteer and militia forces shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at muster, parades and elections, and in going to and returning from the same.

Section six was read as follows:
The Governor shall be commander-in-chief of the militia and volunteer forces of the State, and shall, with the advice and consent of the Senate, appoint all general officers. The Governor, the general, and regimental and battalion commanders shall appoint their own staffs, as may be provided by law.

Mr. Harrison moved to strike out the words "militia and volunteer forces" and insert "army and navy;" which was lost.

Mr. Oates moved to amend by adding after the word "State" the words "except when called into the service of the United States;" which was adopted.

Mr. Willett moved to strike out the word "Governor;" which was lost.

Mr. Samford moved to amend by inserting after the word "officers" the words "whose terms of office shall be four years, and who shall receive no compensation except when in actual service."

Mr. Richards moved to amend the amendment by striking out all after the word "years;" which was accepted, and the amendment was then adopted.

Mr. Harrison offered the following amendment, which was lost:
The term of office of all officers heretofore appointed shall terminate at the close of the next session of the General Assembly; which was lost.

The section, as amended, was then adopted.

Sections 7 and 8 were then adopted, as follows:

Sec. 7. The General Assembly shall provide for the safe keeping of the arms, ammunition and accouterments, military records, banners and relics of the State.

Sec. 8. The officers and men of the volunteer and militia forces shall not be entitled to, or receive, any pay, rations and emoluments when not in actual service.

The article was then referred to the committee on the order, consistency and harmony of the constitution.

On motion of Mr. Oates, the report of the committee on
the executive department was taken up, and considered section by section.

The first and second sections were adopted as follows:

Sec. 1. The Executive Department shall consist of a Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General, and a Sheriff for each county.

Sec. 2. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Alabama."

The third section was read as follows:

Sec. 3. The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General, shall be elected by the qualified electors of this State, on the first Monday of August, one thousand, eight hundred and seventy-six, and every four years thereafter, or at such other time as the General Assembly may, after August, one thousand, eight hundred and seventy-six, prescribe by law.

Mr. McClellan moved to strike out the word "four" and insert "two."

Mr. Foster of Barbour moved to lay the amendment on the table; which motion was lost—ayes 36, noes 48.

Those who voted aye are—


Those who voted nay are—


Pending consideration of the amendment offered by Mr. McClellan, on motion of Mr. Oates, the Convention adjourned until 11 o'clock Monday.
THIRTEENTH DAY.

MONDAY, September 20.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. Ralls of the Convention.
On motion of Mr. Inzer, the reading of the journal was dispensed with.

Mr. Heflin presented a petition from the citizens of Talladega county, asking that the constitutional limit for counties be reduced to four hundred square miles. Referred to legislative department.

On motion of Mr. Mudd, the general order was suspended for the purpose of taking from the table and recommitting the report made by the committee on elections and basis of representation, fixing "representation." The report was then recommitted.

Mr. Harrison, a proposition that no tax shall be levied upon persons or property in this State to pay the interest or principal of any bonds, direct or indirect, which have been or may hereafter be issued in aid of any railroad corporation; Provided, The General Assembly shall, at its first session after the ratification of this constitution, transfer by appropriate legislation to the holders of said bonds all collaterals held by the State for her pretended endorsement of the same. Referred to finance and taxation.

Mr. Langdon, from the committee on corporations, submitted a report; which was ordered to lie on the table and one hundred copies to be printed.

The report of the committee on the executive department came up for consideration, the question being upon the amendment offered by Mr. McClellan to strike out the word "four," in the third section, and insert "two."

The amendment was adopted—ayes 55, noes 31.

Those who voted yea are—


Those who voted nay are—

Mr. Langdon offered the following amendment to section 3: Amend by striking out "first Monday in August," with the view of inserting "Tuesday next following the first Monday of November."

The amendment was lost.

Mr. Samford moved to strike out the words, "after August one thousand, eight hundred and seventy-six," and add after the word "law," "provided the General Assembly shall not have power to fix the time for holding any election at the same time that any Federal election may be held in the State," which was lost.

On motion of Mr. Oates, the words "Attorney General" were stricken out.

The section as amended was adopted.

Section 4 was read as follows:

The returns for every election for Governor, Secretary of State, Auditor, State Treasurer, and Attorney General, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both Houses of the General Assembly in joint convention. The person having the highest number of votes for either of said offices, shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General, shall be determined by both Houses of the General Assembly, in such manner as may be prescribed by law.

On motion of Mr. Oates, the words "Attorney General," wherever they occur, were stricken out.

Section 4, as amended, was then adopted.

Section 5 was read as follows:

The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General, shall hold their respective offices for the term of four years from the time of their installation in office, and until their successors shall be elected and qualified, and the Governor and State Treasurer shall be ineligible to re-election as their own successors.
Mr. Harrison moved to strike out the word "four" and insert "two," and, also, to strike out the words "and the Governor and State Treasurer shall be ineligible to re-election as their own successors;" which was carried.

On motion of Mr. Oates, the words "Attorney General" were stricken out.

Mr. Aiken offered the following amendment: By adding "but shall not be eligible for more than four years in any term of six years."

Mr. Oates moved to lay the amendment on the table; which was carried.

The section, as amended, was then adopted.

Section 6 was read as follows:

The Governor shall be at least thirty-five years of age when elected, and shall have been a citizen of the United States ten years, and a resident citizen of this State at least seven years, next, before the day of his election.

Mr. Foster of Barbour moved to amend by striking out "thirty-five" and inserting "twenty-five."

Mr. Oates moved to amend the amendment by inserting "thirty;" which was accepted.

Mr. Martin moved to lay the amendment on the table; which motion was lost—ayes 38, noes 50.

Those who voted yea, are—


Those who voted nay, are—


The amendment was adopted.

The section, as amended, was then adopted.

Section 7 was read as follows:

The Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General, shall reside at the seat of
government during the time they continue in office, except in case of epidemics, and they shall receive compensation for their services, which shall be fixed by law, and shall not be increased or diminished during the term for which they shall have been elected.

Mr. McClellan moved to amend by striking out the words, "shall reside at the seat of government of this State during their continuance in office, except in case of epidemic, and they."

Mr. Gibson moved to lay the amendment on the table; which was carried—yeas 58, nays 25.

Those who voted yea are—


Those who voted nay, are—


On motion of Mr. O'Neal, the word "Governor" was stricken out.

Mr. Oates offered the following substitute:

That the Governor, Secretary of State, State Treasurer, and State Auditor, shall not, at any one time, absent themselves from the capitol more than five days, except in case of sickness of such officer, or the prevalence of an epidemic at the capital, or when in the service of the State; and they shall receive for their services a salary, to be provided by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those now in office, receive to their use any fees, costs, perquisites of office or other compensation; and all fees that may, after the ratification of this constitution, be payable by law for services performed by either of such officers, shall be paid in advance into the State treasury.

Mr. Powell of Tuscaloosa moved to reconsider the vote by which the word "Governor" was stricken out; which motion was carried.
The question recurring upon the motion to strike out the word "Governor," it was lost—ayes 13, noes 72.

Those who voted yea are—

Messrs. Burgess, Cobb, Foster of Barbour, Garrett, Gibson, Hargrove, Inzer, Little, McClellan, O'Neal, NeSmith, Pickett and Woolf—13.

Those who voted nay are—


The question then recurred upon the substitute of Mr. Oates.

Mr. Gibson moved to amend the substitute by inserting "ten" instead of "five;" which was accepted.

Mr. Lea of Dallas moved to insert after "sickness of such officer" the words, "or his family."

On motion of Mr. Lyon, the substitute and amendment were laid on the table.

Mr. Brown moved to amend by striking out the word "reside" and inserting the word "remain."

Mr. Richards demanded the previous question; which call was sustained, and the section was adopted—ayes 66, noes 13.

Section 8 and 9 were adopted as follows:

Sec. 8. The Governor shall take care that the laws be faithfully executed.

Sec. 9. The Governor may require information in writing, under oath, from the officers of the executive department, on any subject relating to the duties of their respective offices; and he may, at any time, require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions; and any such officer or manager who makes a false report shall be guilty of perjury and punished accordingly.

The tenth section was read as follows:

The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of govern-
ment, or at a different place, if, since their last adjournment, that shall have become dangerous from an enemy or from contagious diseases; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Mr. Parks moved to insert "infectious or" before the word "contagious;" which was carried, and the section, thus amended, was adopted.

Section eleven was adopted, as follows:

The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient, and at the commencement of each session of the General Assembly, and at the close of his term of office, give information by written message of the condition of the State, and he shall account to the General Assembly, as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with the vouchers therefor, and he shall at the commencement of each regular session present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

Section twelve was read, as follows:

He may have power to remit fines and forfeitures, under such rules and regulations as the General Assembly may prescribe by law, and after conviction to grant reprieves, commutation of sentence and pardons (except in cases of treason and impeachment); but pardons, in cases of murder, arson, burglary, rape, assault with intent to commit rape, perjury, forgery, bribery and larceny, shall not relieve from civil and political disability. No pardon shall be granted or sentence commuted except upon the recommendation in writing of the Secretary of State, Attorney General and State Auditor, or any two of them, after full hearing, upon due public notice in the county where the party was convicted and in open session; and such recommendation, and the reason thereof at length, shall be recorded and filed in the office of Secretary of State. Upon conviction of treason, the Governor may suspend the execution of the sentence and report the same to the General Assembly at the next regular session, when the General Assembly shall either pardon, commute the sentence, direct its execution or grant 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 the reprieve, commutation or pardon.
Mr. Willott moved to amend by striking out the word “convicted” and inserting the word “indicted,” which was adopted.

On motion of Mr. Harrison, the word “given” was inserted after the word “notice.”

Mr. Rice moved to strike out the second sentence, which was lost.

Mr. Cobb offered the following amendment: Amend by striking out the words “Secretary of State” in the sixth line, and “State Auditor” in the seventh line, and inserting in lieu thereof the words “Solicitor and Judge trying the person convicted,” which was lost.

Mr. Oates moved to amend by striking out all between the words “in writing of the” in sixth line, and “and such recommendation” in the eighth line, and inserting the following: “judge and jury before whom the party applying for the commutation was convicted.”

On motion of Mr. Inzer, the amendment was laid upon the table.

Mr. Lea of Dallas, moved to amend by adding the word “embezzlement” after the word “bribery,” which was lost.

Mr. Rice moved to amend by adding the following: “The General Assembly shall have power to relieve from any civil or political disability mentioned or referred to in this section, which cannot be relieved by the pardon of the Governor,” which amendment was lost.

The twelfth section, as amended, was then adopted.

On motion of Mr. Aiken, the convention adjourned until 10½ o’clock to-morrow.

FOURTEENTH DAY.

Tuesday, September 21, 1875.

The convention met pursuant to adjournment.

Prayer by Rev. Mr. Taylor.

On motion of Mr. Pickett, the reading of the journal was dispensed with.

THE GENERAL ORDER

Then came up, it being the report of the committee on the executive department, the question being on the adoption of the thirteenth section.

Section thirteen was read, as follows:

Every bill which shall have passed both houses of the Gen-
eral Assembly, shall be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon the journals, and the house to which such bill shall be returned shall proceed to reconsider it; if after such reconsideration two-thirds of the whole number elected to that house shall vote for the passage of such bill, it shall be sent, with the objections, to the other house, by which it shall be likewise reconsidered; if approved by two-thirds of the whole number elected to that house, it shall become a law; but in such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall not become a law. And every order, vote or resolution, to which the concurrence of both houses may be necessary (except questions of adjournment and of bringing on elections by the two houses, and of amending this constitution,) shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the cases of a bill.

Mr. Little moved to amend by striking out "two-thirds" wherever it occurred and insert a "majority" in lieu thereof, which was adopted.

Mr. Murphee offered the following amendment: Strike out "it shall not be a law," and insert "it shall be filed with his objections in the office of Secretary of State within ten days after such adjournment or become a law," which was lost.

Mr. Parks offered the following amendment, which was lost: Insert after "law," the words "but any bill approved by the Governor and filed in the office of the Secretary of State within five days after the adjournment of the General Assembly shall become a law."

Section thirteen, as amended, was adopted.

Section fourteen was adopted, as follows:

Sec. 14. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to
the rules and limitations prescribed for the passage of bills over the Executive veto, and he shall in writing state specifically the item or items he disapproves.

Section fifteen was read, as follows:

Sec. 15. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, absence from the State, or other disability, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, until the time appointed by the constitution for the election of Governor shall arrive, (but the General Assembly may provide by law for the election of Governor to fill such vacancy at a general election for Representatives to the General Assembly,) or until the Governor who is absent or impeached shall return or be acquitted, or other disability removed; and if during such vacancy in the office of Governor the President of the Senate shall be impeached, removed from office, refuse to qualify, die, resign, be absent from the State, or be under any other disability, the Speaker of the House of Representatives shall in like manner administer the government. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President of the Senate, who shall enter upon the duties of Governor, and if the Governor and President of the Senate shall both be absent from the State over twenty days, such Secretary of State shall notify the Speaker of the House of Representatives, and in such case he shall enter upon and discharge the duties of Governor until the return of the Governor or President of the Senate.

Mr. Oates moved to amend by striking out "but the General Assembly may provide by law for the election of a Governor to fill such vacancy at a general election for representatives to the General Assembly," which was adopted.

Section fifteen, as amended, was adopted.

Section sixteen was read, as follows:

Sec. 16. The President of the Senate and Speaker of the House of Representatives shall, during the time they administer the government, receive the same compensation which the Governor would have received if he had been employed in the duties of his office; Provided, That if the General Assembly shall be in session during such absence they or either of them shall receive no compensation as members of the General Assembly while acting as Governor.

Mr. Murphree offered the following amendment, which was wast: Amend by adding after "office" the following, "but for such time the Governor shall not receive any compensation during his absence, unless on business of the State."

The section was adopted.
Section seventeen was read, as follows:

Sec. 17. No person shall at one and the same time hold the office of Governor of this State, or any other office, or commission, civil or military, either under this State, the United States, or any other State or government, except as otherwise provided in this constitution.

On motion of Mr. Powell of Tuscaloosa, the word "or" in the third line was stricken out, and "and" inserted in lieu thereof.

On motion of Mr. Livingston, the words "or commission" were stricken out.

Mr. Oates moved to strike out "except as otherwise provided in this constitution," which was lost.

The section, as amended, was then adopted.

Section eighteen was then read, as follows:

Sec. 18. The Governor shall be commander-in-chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection and repel invasion, but he need not command in person, unless directed to do so by a resolution of the General Assembly, and when acting in the service of the United States, he shall appoint his staff and the General Assembly shall fix his rank.

On motion of Mr. Battle, the words "of the army and navy of this State," and "and thereof," were stricken out, and the words "and volunteer forces of the State" were inserted after the word "militia."

Mr. Burns moved to strike out the last clause, which was lost.

The section, as amended, was adopted.

Section nineteen was read, as follows:

No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor or Attorney General, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least 25 years old when elected.

Mr. Samford moved to amend by striking out "or attorney general," which was lost.

Mr. Rice moved to amend by striking out "five" and inserting "one," which was lost.

Mr. Livingston moved to amend by striking out "twenty-five" and inserting "thirty," which was lost.

Section nineteen was then adopted.

Section twenty was read, as follows:
There shall be a great seal of the State, which shall be used officially by the Governor, and the custodian of such seal shall be the Secretary of State; and the seal now in use shall continue to be used until another shall have been adopted by the General Assembly. The seal shall be called the "Great Seal of the State of Alabama."

Mr. Powell of Tuscaloosa, moved to amend by striking out "and the custodian of such seal shall be the Secretary of State," which was adopted

Section 20, thus amended, was adopted.
Sections 21 and 22 were adopted, as follows:

Sec. 21. The Secretary of State shall be the custodian of the seal of the State, and shall authenticate therewith all official acts of the Governor—his approval of laws and resolutions excepted. He shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly, whenever required to do so, and shall perform such other duties as may be prescribed by law.

Sec. 22. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

Section 23 was read as follows:

Should the office of Secretary of State, State Treasurer, State Auditor, or Attorney General, become vacant for any of the causes specified in section fifteen 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 of members to the General Assembly, held more than thirty days after such vacancy shall have occurred, and the person elected shall hold for the unexpired term.

Mr. Harrison moved to strike out "every such vacancy shall be filled by election at the first general election of members to the General Assembly, held more than thirty days after such vacancy shall have occurred, and the person elected shall hold for the unexpired term;" which was adopted, and the section thus amended was adopted.

Section 24 was adopted as follows:

The State Treasurer, State Auditor, and Attorney General, shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall, every year, at a time the General Assembly may fix, make a full and complete report to the Governor, showing all receipts and disbursements
of revenue of every character, all claims audited and paid by
the State by items, and all taxes and revenue collected and
paid into the treasury, and from what sources; and they shall
make reports oftener on any matter pertaining to their office,
if required to do so by the Governor or the General As-
sembly.

Section 25 was read as follows:
A sheriff shall be elected in each county by the qualified
voters thereof, who shall hold his office for the term of four
years, unless removed from office, and shall be ineligible to
such as his own successor; Provided, that sheriffs elected on
the first Monday in August, 1877, shall hold their offices for
the term of three years, and until their successors shall be
elected and qualified. In the year 1880, at the general elec-
tion for members to the General Assembly, sheriffs shall be
elected for four years as herein provided. Vacancies in the
office of sheriff shall be filled by the Governor as in other
cases, and the person appointed shall continue in office until
the next general election in the county for sheriff as provided
by law.

Mr. Flournoy offered the following substitute:
A sheriff shall be elected in each county in this State on
the first Monday in August, 1876, who shall hold his office
for the term of two years from the time he enters on the du-
ties of said office; Provided, that the sheriffs elected on the
third day of November, 1874, shall hold their office as now
provided by law, and those elected on the first Monday in
August, 1876, shall not enter on the duties of their office until
the expiration of the terms of the sheriffs elected in 1874,
and no sheriff shall be eligible to more than two terms con-
secutively.

Mr. Parks moved to lay the substitute on the table; which
motion was carried.

Mr. Little moved to amend by inserting "or such other
time as may be prescribed by law for the election in that
year;" which was adopted.

Mr. Rice moved to strike out "four" in the second line and
insert "three."

A division of the question was called for, and the Conven-
tion refused to strike out.

The section, as amended, was then adopted.

Mr. Rather moved to reconsider the vote by which the
twelfth section of the report was adopted; which motion was
carried.

Mr. Rather offered the following amendment; which was
adopted:
By inserting after the word "disability" the words, "unless specially expressed in the pardon."

Mr. Rather moved to amend by striking out the second sentence; which was carried.

Mr. Oates offered the following as an additional section: The State Auditor, State Treasurer, and Secretary of State, shall not, after the expiration of the terms of those now in office, receive to their use any fees, costs, perquisites of office or compensation other than their salaries, as prescribed by law; and all fees that may be payable by law for any service performed by either of such officers, shall be paid in advance into the State Treasury.

Mr. Inzer moved to lay the amendment on the table; which was lost—ayes 46, noes 47.

Those who voted yea are—


Those who voted nay are—


The additional section was then adopted.

Mr. Little moved to reconsider the vote by which section 6 had been adopted.

Mr. Flournoy moved to lay the motion to reconsider on the table; which was carried—ayes 68, nays 22.

The report was then adopted, as amended, and referred to the committee on the order, harmony and consistency of the whole constitution.

On motion of Mr. Mudd, the report of the committee on elections and basis of representation, on suffrage and elections, was taken from the table.

The first section was read as follows:

Sec. 1. Every male citizen of the United States, and every male person of foreign birth, who may have declared his in-
tention to become a citizen of the United States before he offers to vote, who is twenty-one years old or upwards, possessing the following qualifications, and who shall have registered as hereinafter provided, shall be an elector, and shall be entitled to vote at any election by the people—

First. He shall have resided in the State at least one year immediately preceding the election at which he offers to vote.

Second. He shall have resided in the county for three months, and in the precinct, district or ward, for fifteen days immediately preceding the election at which he offers to vote; Provided, That no soldier or sailor, or marine in the military or naval service of the United States, shall acquire a residence by being stationed in this State.

Mr. Mudd moved to amend by striking out the words "and who shall have registered as hereinafter provided;" which was adopted.

Mr. Mudd moved to amend by inserting "legally" between the words "have" and "declared" in the third line; which was adopted.

Mr. Mudd offered the following amendment:
Passed, That the General Assembly may by law provide for a longer or shorter residence in any precinct, district or ward in any incorporated city or town having a population of more than five thousand inhabitants.

Mr. Inzer moved to amend the amendment by adding "but in no case to exceed three months;" which was adopted.

The amendment, as amended, was adopted.

Mr. Lea of Dallas moved to amend, as a third qualification, as follows:
He shall have complied with all laws passed by the General Assembly to regulate and control voting in the State.

On motion of Mr. Mudd, the amendment was laid upon the table.

Mr. Herndon moved to strike out the words "one month;" which was adopted.

Mr. Samford moved to strike out the words "fifteen" and insert "thirty;" which was adopted.

Mr. Rice offered the following amendment:
Provided further, That no other qualification, restriction or regulation, than such as are mentioned in the constitution, shall be enforced as to any citizen of this State who possesses the qualifications mentioned in this constitution, and has been registered in compliance with the provisions of law.

Mr. Cobb moved to amend the amendment by striking out the words "restriction or regulation."
Mr. Mudd moved to lay both amendments on the table; which was carried.

Mr. Garrett moved to reconsider the vote by which the amendment of Mr. Samford, striking out "fifteen" and inserting "thirty," was adopted.

Mr. Gibson moved to lay the motion to reconsider upon the table; which latter motion was carried.

Mr. Mudd moved to reconsider the vote by which the amendment, giving to the General Assembly power to provide for a longer or shorter residence in cities, etc., was adopted.

Mr. White moved to lay the motion on the table; which was carried.

Mr. Oates moved to amend by inserting after the word "upwards" the following: "who has paid his poll tax for the preceding tax year."

On motion of Mr. Hargrave, the amendment was laid on the table.

Mr. Inzer moved to amend the sixth line by striking out "one year" and inserting "six months," which was lost.

Mr. Burns offered the following amendment: That the General Assembly shall pass no law requiring a certificate of registration of any elector of this State, unless it will also require written or printed evidence that he has also paid his taxes for the preceding year.

On motion of Mr. Richards, the amendment was laid on the table.

Section 1, as amended, was then adopted.

Section 2 was adopted as follows:

All elections by the people shall be by ballot, and all elections by persons, in a representative capacity, shall be *viva voce*.

The third section was read as follows:

It shall be the duty of the General Assembly to provide from time to time for the registration of all electors; but the following classes shall not be permitted to register, vote or hold office:

First. Those that have been convicted of treason, embezzlement of the public funds, malfeasance in office, or crime punishable by imprisonment in the penitentiary, or bribery.

Second. Those who are idiots or insane.

Mr. Mudd moved to strike out all before the words "the following," so that the section may read as follows: "The following classes shall not be permitted to register," &c.; carried.

On motion of Mr. Mudd, the words "or bribery" were transferred so as to come in between "office" and "or."
The section, as amended, was then adopted.
On motion of Mr. Mudd, section 4 was stricken out.
Section 5 was adopted as follows:

SEC. 5. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

Section 6 was read as follows:

SEC. 6. The General Assembly shall pass laws, not inconsistent with this constitution, to regulate and govern elections in this State, and all such laws shall be uniform throughout the State.

Mr. Mudd offered the following amendment, by adding:
The General Assembly may, when necessary, provide by law for the registration of electors throughout the State, or in any incorporated city or town thereof, and when it is so provided no person shall vote at any election unless he shall have registered as required by law.

Mr. McClellan moved to lay the amendment on the table; which motion was lost.
The amendment was adopted, and the section, thus amended, was adopted.

Section 7 was adopted as follows:
It shall be the duty of the General Assembly to pass adequate laws, giving protection against the evils arising from the use of intoxicating liquors at elections.

Section 8 was read as follows:
Returns of elections for all civil officers who are to be commissioned by the Governor, and for members of the General Assembly, shall be made to the Secretary of State.

On motion of Mr. Herndon, it was amended by inserting at the end the following: except Secretary of State, State Auditor and State Treasurer.
The section, thus amended, was adopted.

Mr. Rice offered the following amendment, as an additional section; which was lost:
Any oath required by the Legislature for registration, or for voting, shall be construed to include the obligation to support faithfully the principle of the civil and political equality of all men, as declared or asserted, in the recent amendments to the Constitution of the United States.
The article was then referred to the committee on the order, harmony and consistency of the whole.

On motion of Mr. Willett, the Convention took a recess until 4 o'clock.
AFTERNOON SESSION.

The Convention assembled at the designated hour.

On motion of Mr. Little, the Convention proceeded to the consideration of the report of the committee on the legislative department.

STATE AND COUNTY BOUNDARIES.

Section 1. The boundaries of this State are established and declared to be as follows, that is to say: Beginning at a point where the thirty-first degree of north latitude crosses the Perdido river; thence east to the west boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear Creek; thence, by a direct line, to the northwest corner of Washington county, in this State, as originally formed; thence southerly, along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning.

Sec. 2. The boundaries of the several counties of this State, as heretofore established by law, are hereby ratified and confirmed, and the General Assembly may, by a vote of two-thirds of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall be hereafter formed of less extent than six hundred square miles; and no existing county shall be reduced to less extent than six hundred square miles, and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative, under the ratio of representation existing at the time of its formation, or unless the county or counties from which it is taken shall be left with the required number of inhabitants entitled such county or counties to separate representation.

Mr. Inzer moved to strike out "six," where it occurs, with the view of inserting "four."

Mr. Jones moved to lay the motion upon the table; which was carried.

Mr. Gordon moved to strike out "six" with a view of inserting "five."

On motion of Mr. Jones, the motion was laid on the table. The section was then adopted.
DISTRIBUTION OF POWERS OF GOVERNMENT

Were read and adopted, as follows:

Sec. 1. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are Legislative to one; those which are Executive to another; and those which are Judicial to another.

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

The article upon distribution of powers of government, dividing the powers into three distinct departments and confiding each to a separate body of magistracy, to-wit: the legislative, executive, and judicial, and providing that no one of these departments shall exercise any power belonging to either of the others, was adopted.

The article upon the legislative department, was then considered.

Section one, resting the legislative power of the State in a General Assembly, to consist of a Senate and House of Representatives, was adopted.

Section two was then read, as follows:

The style of the laws of this State shall be, "Be it enacted by the General Assembly of Alabama." Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills and bills adopting a code, digest or revision of statutes; and no law shall be revised, amended or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revised, amended, extended or conferred, shall be re-enacted or published at length.

On motion of Mr. O'Neal, the words "revenue bills" were inserted between the words "bill" and "and," where they first occur.

On motion of Mr. Harrison, the word "or" where it last occurs, was stricken out, and "and" inserted in lieu thereof.

The section, thus amended, was then adopted.

Section three was read, as follows:

Senators and Representatives shall be elected by the qualified electors on the first Monday in August. The terms of office of the senators shall be four years, and that of the representatives of two years, commencing on the day after the general election, except otherwise provided in this constitution.
Mr. Hargrove moved to amend by inserting after the word "August." the following: "1876, and thereafter on such other day as may be provided by law."

Mr. Davis moved to amend the amendment by striking out the word "other," which was accepted.

Various substitutes were then offered by different delegates, which were ruled out of order or lost, when Mr. Lyon offered the following as a substitute for Mr. Hargrove's amendment, which was adopted: Amend by inserting after the word "August" the words "1876, and one-half of the senators and all the representatives shall be elected every two years thereafter, unless the General Assembly shall change the time of holding elections."

The amendment thus amended was adopted, and the section thus amended was adopted.

Section four was read, as follows:

Senators shall be at least 27 years of age, and representatives 21 years of age; they shall have been citizens and inhabitants of this State three years, and inhabitants of their respective counties or districts one year next before their election, and shall reside in their respective counties or districts during their terms of service; Provided, That such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken.

Mr. Powell of Tuscaloosa, moved to strike out "three" and insert "two," which was lost.

Mr. Davis moved to strike out "27" and insert "25," which was lost.

The section was then adopted.

Section five was then read, as follows:

The General Assembly shall meet biennially at the capitol, in the senate chamber and in the hall of the house of representatives (except in cases of the destruction of the capitol or epidemics, when the Governor may convene them at such place as he may deem best,) on the day specified in this constitution, or on such day as may be prescribed by law, and shall not remain in session longer than sixty days at the first session held under this constitution, nor longer than fifty days at any subsequent session.

Mr. Parks moved to amend by inserting "on the first Monday in January" after "capitol."

Mr. Hargrove moved to amend the amendment by inserting "third Monday."

The question being taken upon the amendment to the amendment, it was lost.

The amendment was lost.
Mr. Burns offered the following amendment, which was lost: Provided, the General Assembly, by a two-thirds vote of all the members thereof, with the approval of the Governor, may have an extra session in 1876.

Mr. Meadows, amendment to strike out "fifty" and insert "forty" where it occurs near the end of the section; which was lost.

Mr. Aiken moved to amend by inserting "the senators" after "capitol," and "the representatives" between "and" and "in the hall," and to strike out "of representatives"; which was lost.

Mr. Burns moved to strike out "biennially" and insert "annually," which was lost. Ayes 8, noes 81.

The section was then adopted.

Section six was read, as follows:

The pay of the members of the General Assembly shall be four dollars per day, and ten cents mileage in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

Mr. Cobb moved to strike out "mileage" and insert "per mile," which was adopted.

Mr. Knox moved to strike out "four" and insert "three," which was lost.

The section was adopted.

Section seven was read, as follows:

The General Assembly shall consist of not more than thirty-three senators and the house of representatives of not more than one hundred members, to be apportioned among the several districts and counties as prescribed in this constitution.

Mr. Rice moved to strike out the words "not more than" where they occur in the section.

On motion of Mr. Garrett, the amendment was laid on the table.

Mr. Oates offered the following amendment: Add "after the taking of the next decennial census of the United States in the year 1880."

Mr. Lowe offered a substitute as follows: The General Assembly shall consist of twenty-five senators and seventy-five representatives, to be apportioned among the several districts and counties as prescribed in this constitution.

Mr. Pugh moved to amend the substitute by adding the following: Provided, that at the expiration of five years from the ratification of this constitution, the General Assembly may, by a vote of two-thirds of each house, increase the number of senators to thirty-three and of the representatives to one hundred members." The amendment was accepted.
Pending the further consideration, on motion of Mr. Willett, the convention adjourned until 10½ o'clock to-morrow.

FIFTEENTH DAY.

WEDNESDAY, September 22, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. Allgood, of the Convention.
The journal of yesterday was read and approved.
Mr. Burton presented a petition from the citizens of Calhoun, Cleburne and Talladega counties to reduce the constitutional limit of counties to four hundred square miles. Referred to legislative department.

GENERAL ORDER.

The general order, which was the report of the committee on the legislative department, then came up.
Mr. Lyon moved to reconsider the vote by which section two of the article on State and county boundaries was adopted; which motion was carried.
On motion of Mr. Mudd, the consideration of the 7th section was postponed until 4½ o'clock this afternoon.
Section two of the article on State and county boundaries was amended in some verbal particulars, and the said section was then adopted.
Section eight was read, as follows:
SEC. 8. The Senate, at the beginning and close of each regular session, and at such other times as may be necessary, shall elect one of its members president thereof, and the House of Representatives shall elect one of its members as speaker, and the president of the Senate and the speaker of the House of Representatives shall hold their offices, respectively, until their successors are elected and qualified. Each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.
Mr. Sykes moved to strike out the words "and close" in the first line, which was adopted.
On motion of Mr. Little, the words "at the beginning of each session" were inserted after the word "speaker," where it first occurs.
The section, as amended, was adopted.
Section nine was then read, as follows:
Members of the house of representatives shall be chosen at the general election every second year—and members of the
senate shall serve four years, as hereinafter provided—their
time of service shall begin on the day after their election.
Whenever a vacancy shall occur in either house, the Governor
for the time being shall issue a writ of election to fill such
vacancy for the remainder of the term.

Mr. Little moved the following substitute for section
nine:

At the general election in the year 1876, senators shall be
elected in the odd numbered districts, to serve for two years,
and in the even numbered districts to serve for four years, so
that thereafter one-half the senators may be chosen biennially.
Members of the house of representatives shall be elected at
the general election every second year. The time of service
of senators and representatives shall begin on the day after
their election. Whenever a vacancy shall occur in either
house, the Governor for the time being shall issue a writ of
election to fill such vacancy for the remainder of the term.

Mr. Rice moved to strike out "odd" and "even," and in-
sert "even" for "odd," and "odd" for "even," where they
occur; which was accepted.

Mr. Garrett moved to lay the substitute on the table; which
was lost.

The substitute was adopted, and the section, thus amended,
was adopted.

Section ten was adopted, as follows:

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

Section eleven was read, as follows:

Each house shall have power to determine the rules of its
proceedings, and punish its members or other persons for con-
tempt or disorderly behavior in its presence, to enforce obe-
dience to its process, to protect its members against violence,
or offers of bribes or private solicitation, and with the concur-
rence of two-thirds of either house, to expel a member, but
not a second time for the same cause; and shall have all the
powers necessary for the legislature of a free State.

On motion of Mr. Prince, the word "private" was stricken
out, and the word "corrupt" inserted in lieu thereof.

Mr. Hargrove moved to strike out "cause" and insert
"offense," which was lost.

The section, as amended, was then adopted.

Sections 12, 13, 14 and 15 were adopted, as follows:

Sec. 12. A member of either house expelled for corruption,
shall not thereafter be eligible to either house; and punish-
ment for contempt or disorderly behavior shall not bar an indi-
cement for the same offense.

Sec. 13. Each house shall keep a journal of its proceedings, and cause the same to be published immediately after its ad-
journment, excepting such parts as in its judgment may re-
quire secrecy; and the yeas and nays of the members of either	house, on any question, shall, at the desire of one-tenth of the
members present, be entered on the journals. Any member
of either house shall have liberty to dissent from or protest
against any act or resolution which he may think injurious to
the public or any individual, and have the reasons of his dis-
sent entered on the journals.

Sec. 14. Members of the General Assembly shall in all cases
except treason, violation of their oath of office and breach
of the peace, be privileged from arrest during their attend-
ance at the sessions of their respective houses, and in going
to and returning from the same; and for any speech or debate
in either house they shall not be questioned in any other
place.

Sec. 15. The doors of each house shall be opened, except
on such occasions as in the opinion of the house may require
secrecy.

Section sixteen was read, as follows:

Sec. 16. Neither house shall, without the consent of the
other, adjourn for more than three days, nor to any other
place than that in which they may be sitting.

Mr. Oates moved to strike out "three" and insert "one,"
which was lost.

The section was then adopted.

Sections 17 and 18 were adopted, as follows:

Sec. 17. No senator or representative shall, during the term
for which he shall have been elected, be appointed to any
civil office of profit, under this State, which shall have been
created or the emoluments of which shall have been increased
during such term, except such office as may be filled by elec-
tion by the people.

Sec. 18. No person hereafter convicted of embezzlement of
the public money, bribery, perjury, or other infamous crime,
shall be eligible to the General Assembly, or capable of hold-
ing any office of trust or profit in this State.

On motion of Mr. Little, section nineteen was stricken out.
Section twenty was adopted, as follows:

Sec. 20. No law shall be passed except by bill, and no bill
shall be so altered or amended on its passage through either
house as to change its original purpose.

Section twenty-one was read, as follows:
SEC. 21. No bill shall be considered by either house unless referred to a committee and returned therefrom.

Mr. Rice moved to strike out the section, which was lost.

Mr. Cobb offered the following substitute, which was adopted:

No bill shall become a law until it shall have been referred to a committee and returned therefrom.

The section, as amended, was adopted.

Section twenty-two was read, as follows:

Every bill shall be read at length, on three different days, in each house—and no bill shall become a law unless on its final passage the vote be taken by yeas and nays, the name of the members voting for and against the same be entered on the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this constitution.

Mr. Oates moved to amend by inserting between the words "passage" and "the" the following: "it be read at length and," and to strike out "at length" in the first line.

Mr. Hargrove offered the following substitute:

Every bill shall be read on three different days in each house, and no bill shall become a law unless on its final passage it be read at length and a majority of each house vote in its favor.

Mr. Oates moved to lay the substitute on the table. Carried.

The amendment of Mr. Oates was adopted.

The section, as amended, was then adopted.

Section twenty-three was read, as follows, and adopted:

No amendment to bills by one house shall be concurred in by the other except by the vote of a majority of each house, taken by yeas and nays, and the names of those voting for and against recorded upon the journals thereof; and reports of committees of conferences shall in like manner be adopted in each house.

Section twenty-four was read, as follows:

No special or local law shall be enacted for the benefit of individuals or corporations in cases which are or can be provided for by a general law, or where the relief sought can be given by any court of this State. Nor shall the operation of any general law be suspended by the General Assembly for the benefit of any individual, corporation or association.

Mr. Oates offered the following substitute for the section:

The General Assembly shall not pass any local or special law: (1st.) granting divorces; (2d.) making any married woman a free dealer or relieving her from the disabilities of cov-
eerture; (3d.) declaring any named person to be of age, or relieving any minor of the disabilities of non-age; (4th.) legitimating or adopting children; (5th.) changing the name of any person or place; (6th.) prohibiting the sale or giving away of spirituous or vinous liquors; (7th.) fixing or changing the place of voting; (8th.) transferring, or authorizing the transfer of the administration of the estate of any minor, or deceased person, or person of unsound mind, from one county to another; (9th.) changing the law of descent or affecting the estates of minors or persons under disability; (10th.) authorizing the laying out, opening, altering, maintaining or vacating the roads, highways, streets or alleys; (11.) creating corporations or amending, extending or explaining the charter thereof; but it shall be the duty of the General Assembly to provide for the same to be done under general laws. In all other cases where a general law is applicable, no local or special law shall be enacted.

Mr. Lyon moved to lay the substitute on the table, which was carried.

Mr. Laird offered the following substitute:

The General Assembly may enact general laws, but shall not have power to enact any special or local laws.

Mr. Inzer moved to lay the substitute on the table; which motion was carried.

Mr. Moren called for the previous question, and the call being sustained, the section was adopted—ayes 85, noes 2.

Section 25 was read as follows:

No local or special law shall be passed, on a subject which cannot be provided for by a general law, unless notice of the intention to apply therefor shall have been published in the locality where the matter or things to be affected may be situated, which notice shall be at least twenty days prior to the introduction into the General Assembly of such bill—the evidence of such notice having been given, shall be exhibited to the General Assembly, before such act shall be passed; Provided, That the provisions of this constitution as to special or local laws shall not apply to public or educational institutions of or in this State, nor to industrial, mining or manufacturing corporations or interests.

On motion of Mr. Lyon, the word “immigration” was inserted between the words “mining” and “or” in the provision.

Mr. Powell of Tuscaloosa moved to amend by striking out all down to and including the word “provided.”

On motion of Mr. Bliss, the amendment was laid on the table.
Mr. Norwood moved to strike out all in the proviso after the word "State."

On motion of Mr. Richards, the amendment was laid on the table.

The section was adopted.

Mr. White moved to reconsider the vote by which section 23 was adopted; which motion prevailed.

Mr. White moved to strike out the words "each house," and insert "such other house;" which was adopted.

The section, thus amended, was adopted.

Section 26 was read as follows:

The General Assembly shall pass general laws, under which local and private interests shall be provided for and protected.

Mr. Rice offered the following amendment: Amend by adding "No law shall be enforced which makes the right of any qualified voter of this State to vote, at any election in this State, dependent upon his producing or surrendering any certificate of registration or other instrument, when he offers to vote."

On motion of Mr. Martin, the amendment was laid upon the table.

The section was adopted.

Mr. Lowe offered the following as an independent section:

The General Assembly shall enact no law requiring a citizen of this State to obtain a license to engage in or carry on any useful trade or occupation; nor shall such power be delegated to any county, town or municipal corporation; Provided, the General Assembly shall have power to authorize the issue of licenses or other police regulations promotive of the comfort, safety, decency and good order of society.

Mr. White moved to lay the amendment on the table; which motion was carried—ayes 51, noes 40.

Those who voted yea are—


Those who voted nay are—

Messrs. Battle, Booth, Brewer, Bulger, Burns, Callaway, Curtis, Davis, Delbridge, Flournoy, Forwood, Gilbreath, Herndon, Johnson of Macon, Inzer, Lea of Dallas, Livingston, Lowe, Lyon, Martin, Meadows, Mudd, NeSmith, Nowlen,

Section 27 was read as follows:
The Legislature shall not authorize any lottery, or gift enterprise, for any purpose whatever.

Mr. Booth offered the following amendment: Amend by adding "and all acts or parts of acts heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, or gift enterprise, and all acts amendatory thereof, or supplemental thereto, are hereby avoided."

The amendment was adopted.

Mr. Murphree offered the following amendment: By adding, "and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery."

Mr. Richards moved to lay the amendment on the table; which was lost.

Mr. Battle offered the following as a substitute for the section as amended:
The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State, and all acts or parts of acts heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided.

Mr. Martin moved to amend the substitute by striking out the words "in this State" where they occur, and inserting the same words between the words "prohibit" and "the;" which was lost.

The substitute was adopted.
The section, as amended, was adopted.
The Convention, on motion of Mr. O'Neal, took a recess until 4 o'clock, p. m.

AFTERNOON SESSION.

The Convention met at the hour designated.
Sections 28, 29, 30 and 31 were adopted as follows:
Sec. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the General Assembly, after
the titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

Sec. 29. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each house; and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employe, elected or appointed in pursuance of law.

Sec. 50. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after the services shall have been rendered or contract made, nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law.

Sec. 31. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished, and the printing, binding and distribution of laws, journals, department reports, and all other printing and binding, and repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, State Auditor and State Treasurer.

On motion of Mr. Lowe, the thirty-second section was stricken out.

Sections 33, 34 and 35 were adopted as follows:

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt and for the public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Section 36 was read as follows:

No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the
State, except by a vote of two-thirds of all the members elected to each house.

Mr. Livingston moved to strike out all after "State" down to and including "State" where it occurs the second time, which was lost.

The section was adopted.

Section 37 was read as follows:

No act of the General Assembly shall authorize the investment of any trust funds by executors, administrators, guardians and other trustees, in the bonds or stock of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

Mr. Murphree moved to amend by inserting after "corporation" the words "or in any other paper or obligations not at par with the currency of the country;" which was lost.

The section was adopted.

Section 38 was read as follows:

The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.

Mr. Lowe moved to strike out the section.

On motion of Mr. McClellan, the motion was laid upon the table.

The section was adopted.

Section 39 was read as follows:

When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Mr. Samford moved to amend by adding "or recommended by message of the Governor communicated to the General Assembly after convening;" which was lost.

Mr. Knox moved to strike out the section; which was lost.

The section was adopted.

Mr. Foster of Hale moved to reconsider the vote by which the Convention, this morning, laid upon the table the amendment of Mr. Lowe as section 27.

Mr. Sykes moved to lay the motion on the table; which latter motion was carried—ayes 53, noes 39.

The hour of half-past four o'clock having arrived, the seventh section came up for consideration.

Mr. Oates moved to postpone the further consideration of the section until to-morrow at 12 o'clock; which was carried.

On motion of Mr. Mudd, the further consideration of the report of the committee on the legislative department was
postponed for the purpose of allowing the committee on elec-
tions and the basis of representation to make a report.

Mr. Mudd, from said committee, submitted a majority re-
port.

Mr. NeSmith, from the same committee, submitted a mi-
nority report.

The reports were ordered to lie upon the table and one
hundred copies be printed.

The article is as follows:

MAJORITY REPORT.

ARTICLE —.

REPRESENTATION.

SECTION 1. The whole number of Senators shall be not
less than one-fourth or more than one-third of the whole
number of representatives.

SEC. 2. The House of Representatives shall consist of not
more than one hundred members, who shall be apportioned
by the General Assembly among the several counties of the
State, according to the number of inhabitants in them re-
spectively, as ascertained by the decennial census of the Uni-
ted States, for the year 1880; which apportionment, when
made, shall not be subject to alteration until the first session
of the General Assembly after the next decennial census of
the United States have been taken.

SEC. 3. It shall be the duty of the General Assembly, at
its first session after the taking of the decennial census of the
United States, in 1880, and after each subsequent decennial
census, to fix, by law, the number of representatives, and ap-
portion them among the several counties of the State; Pro-
vided, That each county shall be entitled to at least one re-
presentative.

SEC. 4. It shall be the duty of the General Assembly, at
its first session after the taking of the decennial census of the
United States in 1880, and after each subsequent decennial
census, to fix by law the number of Senators, and to divide
the State into as many Senatorial districts as there are Sena-
tors, which districts shall be as nearly equal to each other in
the number of inhabitants as may be, and each shall be enti-
tled to one Senator and no more; and which districts when
formed shall not be changed until the next apportioning ses-
sion of the General Assembly after the next decennial census
of the United States shall have been taken. No county shall
be divided between two districts and no district shall be made
of two or more counties not contiguous to each other.
SEC. 5. Should the decennial census of the United States, from any cause, not be taken, or if when taken, the same as to this State is not full or satisfactory, the General Assembly shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the apportionment of Representatives and Senators as provided for in this article of the Constitution.

SEC. 6. At the first general election after each new apportionment, elections shall be held anew in all the Senatorial Districts. The Senators elected, when convened at the next ensuing session of the General Assembly, shall be divided by lot into two classes, as nearly equal as may be; the seats of the Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, from the day of election, so that (except as above provided) one-half of the Senators may be chosen biennially.

SEC. 7. Until the General Assembly shall make apportionment of Representatives among the several counties, after the first decennial census of the United States as herein provided, the counties of Antaugia, Baldwin, Bibb, Blount, Calhoun, Chilton, Cherokee, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, DeKalb, Elmore, Etowah, Escambia, Fayette, Franklin, Geneva, Henry, Lauderdale, Marion, Morgan, Monroe, Marshall, Randolph, Sanford, Shelby, St. Clair, Walker, Washington and Winston, shall each have one Representative; the counties of Barbour, Bullock, Butler, Chambers, Greene, Hale, Jackson, Jefferson, Limestone, Lawrence, Lowndes, Lee, Macon, Marengo, Perry, Pickens, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa and Wilcox, shall have each two Representatives; the county of Madison three Representatives; the counties of Dallas and Montgomery shall have each four Representatives, and the county of Mobile shall have five Representatives.

SEC. 8. Until the General Assembly shall divide the State into Senatorial Districts as herein provided, the Senatorial Districts shall be as follows:

Lauderdale and Limestone shall form one district; Colbert and Lawrence shall form one district; Morgan, Winston and Blount shall form one district; Marshall, Jackson and DeKalb shall form one district; Cherokee, Etowah and St. Clair shall form one district; Calhoun and Cleburne shall form one district;...
district; Talladega and Clay shall form one district; Randolph and Chambers shall form one district; Macon and Tallapoosa shall form one district; Franklin, Marion, Fayette and Sanford shall form one district; Bibb and Tuscaloosa shall form one district; Greene and Pickens shall form one district; Walker, Jefferson and Shelby shall form one district; Lowndes and Autauga shall form one district; Coosa, Elmore and Chilton shall form one district; Choctaw, Clarke and Washington shall form one district; Henry, Coffee, Dale and Geneva shall form one district; Pike, Crenshaw and Covington shall form one district; Butler and Conecuh shall form one district; the counties of Barbour, Bullock, Dallas, Hale, Lee, Madison, Marengo, Mobile, Montgomery, Perry, Russell, Wilcox and Sumter, shall each form one district.

MINORITY REPORT.

Mr. President:—The undersigned, members of the committee on elections and basis of representation, respectfully ask permission to dissent from so much of the majority report as pertains to the number of members composing each house of the legislature, and here recommend that until the year 1880 the number of Senators shall be twenty-five, and the Representatives seventy-five, and that the apportionment in each house shall be until said time as follows:

Lauderdale, Limestone and Morgan, one senator.
Colbert, Franklin and Lawrence, one senator.
Madison, one senator.
Jackson, DeKalb, Marshall and Cherokee, one senator.
Etowah, St. Clair, Calhoun and Cleburne, one senator.
Winston, Walker, Blount and Jefferson, one senator.
Marion, Sandford, Fayette and Tuscaloosa, one senator.
Pickens and Sumter, one senator.
Shelby, Bibb, Chilton and Coosa, one senator.
Talladega, Clay and Randolph, one senator.
Chambers and Lee, one senator.
Tallapoosa and Elmore, one senator.
Macon and Russell, one senator.
Montgomery, one senator.
Autauga and Lowndes, one senator.
Dallas, one senator.
Perry and Hale, one senator.
Marengo and Greene, one senator.
Barbour and Henry, one senator.
Bullock and Pike, one senator.
Dale, Coffee, Geneva, Covington and Crenshaw, one senator.
Baldwin, Conecuh, Escambia and Monroe, one senator.
Butler and Wilcox, one senator.
Choctaw, Clarke and Washington, one senator.
Mobile, one senator.

The House of Representatives as follows:
Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Chambers, Calhoun, Cherokee, Coffee, Chilton, Choctaw, Clarke, Clay, Cleburne, Colbert, Conecuh, Covington, Crenshaw, Coosa, Dale, DeKalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Geneva, Hale, Henry, Jackson, Jefferson, Lauderdale, Lee, Limestone, Lawrence, Marengo, Marion, Macon, Marshall, Monroe, Morgan, Pike, Pickens, Randolph, Russell, Sanford, Shelby, St. Clair, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington and Winston, shall have one Representative each; and Barbour, Dallas, Lowndes, Madison, Montgomery, Perry, Sumter and Wilcox, shall have two Representatives each; and Mobile shall have three Representatives.

THOMAS B. NESmith,
WILLIAM A. MUSgrove,
WILLIAM A. SMITH,
J. D. MURPHREE.

The Convention resumed the consideration of the report of the committee on the legislative department.

Section forty was read, as follows:

Every order, resolution or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved shall be passed by two-thirds of both houses, according to the rules and limitations presented in case of a bill.

On motion of Mr. Rather, the word "two-thirds" was stricken out and "a majority" inserted.

On motion of Mr. Oates, the words "and of bringing on elections by the two houses" were inserted after the word "adjournment."

On motion of Mr. Woolf, the words "a majority of all the members of both houses" were inserted after the word "passed," in lieu of "a majority of both houses."

Mr. Herndon offered the following substitute:

Every order, vote or resolution to which the concurrence of both houses may be necessary, (except questions of adjournment and of bringing on elections by the two houses, and of
amending this constitution,) shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill.

On motion of Mr. Cobb, the substitute was laid on the table.

The section, as amended, was adopted.

Section forty-one was read, as follows:

No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity; but any county or municipality may appoint such officers when authorized by law.

Mr. Livingston moved to strike out the section, which was lost.

The section was adopted.

Section forty-two was read, as follows:

No law changing the location of the capitol of the State shall be valid until the same shall have been submitted to the qualified electors of the State at a general election, and approved by them, and such law shall specify the proposed new location.

Mr. Aiken moved to amend by striking out "them" and inserting in lieu thereof "a majority of those voting for representatives, and the result of said election shall be made known by the Governor by proclamation within thirty days after returns are made."

Mr. Knox moved to lay the amendment on the table, which motion was lost.

Mr. Cobb moved as an amendment to the amendment, to insert "a majority of such electors voting upon the same," which was accepted and the amendment was adopted.

Mr. Manasco moved to strike out the section.

Mr. Lyon demanded the previous question, and the call being sustained, the section, as amended, was adopted.

Sections 43, 44, 45, 46, 47, 48 and 49, were adopted, as follows:

Sec. 43. A member of the General Assembly who shall corruptly solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or de-
mand any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be provided by law.

SEC. 44. Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 45. The offense of corrupt solicitation of members of the General Assembly, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 46. A member of the General Assembly who has a personal or private interest in any measure or bill, proposed or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 47. In all elections by the General Assembly, the members shall vote *viva voce*, and the votes shall be entered on the journals.

SEC. 48. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties who may choose that mode of adjustment.

SEC. 49. It shall be the duty of the General Assembly, after the adoption of this constitution, to make provision by law for the revision, digesting, publication and distribution of all public statutes of this State, both civil and criminal; but not oftener than once in ten years.

Section fifty was read, as follows:

The General Assembly shall have power to pass such penal laws as they may deem expedient to suppress the evil practice of duelling.

Mr. Hargrove moved to strike out the section.

On motion of Mr. Bliss, the motion was laid on the table.

The section was then adopted.
Section fifty-one was adopted as follows:
It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deductions.

Section fifty-two was read, as follows:
No money shall be drawn from the treasury but in pursuance of an appropriation made by law; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually in such manner as may be by law directed.

Mr. White moved to strike out all preceding the semicolon and the word "and" following; which was lost.
The section was adopted.

Section fifty-three was adopted, as follows:
It shall be the duty of the General Assembly to make adequate provision in each county for the maintenance of the poor of this State.

Section fifty-four was read, as follows:
Any citizen of this State who shall, after the adoption of this constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or act as a second, or knowingly aid or assist in any manner those thus offending, shall be incapable of holding any office under this State.

Mr. Powell of Bullock, moved to strike out "either" and "or out of."

On motion of Mr. Davis, the motion was laid on the table.
Mr. Burns moved to strike out the section.
On motion of Mr. Flournoy, the motion was laid on the table.

Mr. Powell of Bullock, offered the following amendment: Amend by adding, Provided the General Assembly may by a two-thirds vote of all the members present in each house, remove the disabilities imposed by this section.

On motion of Mr. Garrett, the amendment was laid on the table.
The section was adopted.
On motion of Mr. Cobb, the vote by which the convention adopted section fifty-three was reconsidered, and the consideration of the section was postponed for the present.
On motion of Mr. Oates, the vote by which section forty-nine was adopted was reconsidered.
Mr. Oates offered the following substitute for the section, which was adopted:
It shall be the duty of the General Assembly, at its first
session after the ratification of this constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State of a general nature, both civil and criminal.

The section, as amended, was adopted.

Sections 55 and 56 were adopted, as follows:

Sec. 55. The General Assembly shall not have power to authorize any municipal corporation to pass any laws contrary to the general laws of the State.

Sec. 56. In the event of annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this constitution to the contrary notwithstanding.

On motion of Mr. Garrett, the convention adjourned until 10 ½ o'clock to-morrow.

SIXTEENTH DAY.

THURSDAY, September 23, 1875.

The convention met pursuant to adjournment.

Prayer by Rev. Dr. Andrews of this city.

On motion of Mr. Little, the reading of the journal was dispensed with.

Mr. Richards, a proposition that all maimed Confederate soldiers shall be exempt from the payment of poll tax. Referred to committee on finance and taxation.

Mr. Nowlin, a resolution, that the head of each family shall be allowed two thousand dollars worth of real and personal property, and that the same shall be exempt from sale on execution. Referred to committee on exemptions.

THE GENERAL ORDER,

Which was the report of the committee on the legislative department, then came up, the question being on the adoption of section 57, which was read as follows:

The General Assembly shall not tax the property, real and personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre; and lots one mile or more distant from such cities
or towns, to the extent of five acres, with the buildings there-
on, when the same are used exclusively for religious worship,
for schools, or for purposes purely charitable; nor such prop-
erty, real or personal, to an extent not exceeding twenty-five
thousand dollars in value, as may be used exclusively for ag-
gricultural or horticultural societies.

Mr. Woolf moved to strike out "and," between "acre" and
"lots," and insert "nor"; which was carried.

Mr. Powell of Tuscaloosa moved to strike out the section;
which was lost.

Mr. Aiken moved to strike out "or other municipal corpor-
atations," and insert "or" between "State" and "counties";
which was lost.

Mr. Samford moved to strike out "for schools"; which was
lost.

Mr. Booth moved to amend by inserting between "ceme-
teries" and "nor lots" the following: The property, real and
personal, of State, counties, or other municipal corporations,
cemeteries, shall be exempt from taxation; which was lost.

Mr. Powell of Tuscaloosa moved to strike out the last sen-
tence, beginning with the words "nor such property."

Mr. Langdon moved to lay the amendment on the table;
which was carried.

The section was then adopted.

Section 58 was read as follows:
The General Assembly shall by law prescribe such rules
and regulations as may be necessary to ascertain the value of
personal property exempted from sale under legal process, by
this constitution, and to secure the same to the claimant there-
of as selected.

Mr. Parks moved to amend by inserting "and real" between
the words "personal" and "property"; which was adopted,
and the section, thus amended, was adopted.

Section 59 was adopted as follows:
The General Assembly shall have no power to authorize
any county, city, town, or other subdivision of this State to
lend its credit, or to grant public money or thing of value, in
aid of, or to, any individual, association or corporation what-
soever, or to become a stockholder in any such corporation,
association or company, by issuing bonds or otherwise; Pro-
vided, This provision shall not apply to any bonds already
issued.

Section 60 was read as follows:
The Governor, Secretary of State, Auditor, Treasurer, At-
torney-General, Superintendent of Public Instruction, and
Judges of the Supreme Court, may be removed from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under cover thereof, or connected therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

Mr. Rice moved to amend by inserting after "supreme court" the words "chancellors, judges of the circuit court and probate judges."

Mr. Richards offered the following amendment to the amendment:

Amend by adding "and solicitors of circuits."

Mr. Inzer moved to lay the amendment and the amendment to the amendment on the table; which motion was carried.

Mr. Aiken offered the following amendment:

Amend by adding at end of section the following: And no person shall be convicted under an impeachment without the concurrence of a majority of all the Senators elected.

Mr. McClellan moved to lay the amendment on the table; which was carried.

Mr. Powell of Tuscaloosa moved to lay the section on the table; which motion was lost.

The section was adopted.

Section 61 was read as follows:

The chancellors, judges of the circuit courts, judges of the probate courts, and solicitors of the circuits, may be removed from office for any of the causes specified in the preceding section, by the supreme court, under such regulations as may be prescribed by law.

Mr. Martin offered the following amendment:

Amend by inserting after the word "circuits" the words "and judges of inferior courts, from which an appeal may be taken directly to the supreme court."

Mr. Oates moved to amend the amendment, by striking out the words "from which an appeal may be taken directly to the supreme court", in lieu thereof; which was adopted.

The amendment, as amended, was adopted, and the section thus amended was adopted.

Section 62 was read as follows:

The sheriffs, clerks of the circuit courts, tax collectors, tax assessors, county treasurers, coroners, justices of the peace, notaries public, constables, and all other county officers, mayors and intendents of incorporated cities and towns in this State, may be removed from office for any of the causes specified in section 59 of this article, by the circuit court of the
county in which such officers hold their office, under such reg-
ulations as may be prescribed by law; Provided, That the
right of trial by jury and appeal in such cases be secured.

Mr. Martin moved to amend by inserting after the word
"intendents" the words "and all other officers."

On motion of Mr. Cobb, the amendment was laid on the
table.

Mr. Knox moved to amend by inserting after the word
"courts" the words "clerks of courts of record."

On motion of Mr. Oates, the amendment was laid on the
table.

Mr. Burns moved to amend by striking out the words "the
circuit court of the county in which such officers hold their
office," and insert in lieu the words "any chancellor or circuit
judge."

Mr. Cobb called the previous question, and the call being
sustained, the section was adopted.

Sections 63, 64 and 65 were adopted, as follows:

Sec. 63. The penalties in cases arising under the three pre-
ceding sections shall not extend beyond removal from office,
and disqualification from holding office under the authority of
this State, for the term for which he was elected or appointed;
but the accused shall be liable to indictment, trial and pun-
ishment as prescribed by law.

Sec. 64. The General Assembly shall not pass any retro-
spective law which destroys, impairs, or affects any vested or
existing rights or privileges, or the remedy for the enforcement
or defense thereof.

Sec. 65. It is made the duty of the General Assembly to
enact all laws necessary to give effect to the provisions of this
constitution.

Mr. Harrison offered the following additional section; which
was lost:

The General Assembly shall not have the power to author-
ize any officer or tribunal to collect State or county taxes,
either general or special, except the duly qualified tax col-
lectors.

Mr. Cobb offered the following substitute for section 53, the
consideration of which had been postponed:

It shall be the duty of the General Assembly to require the
court of county commissioners of the several counties in this
State to make adequate provision for the maintenance of the
poor.

The substitute was adopted, and the section adopted.

Mr. Oates moved to reconsider the vote by which section 64
was adopted; which motion was carried.
Mr. Oates moved to strike out the following words: "or the remedy for the enforcement or defense thereof," and insert in lieu thereof "nor reviving the right of action when the same is barred by the statute of limitations."

Mr. Green of Choctaw called for the previous question, and the call was not sustained.

Mr. Cobb moved, as a substitute for the amendment, to strike out the words "or affects" and insert the word "or" between "destroys" and "impairs"; which was lost.

Mr. Inzer moved to lay the amendment on the table; which was carried.

Mr. Little moved to strike out "or affects" and insert "or" between "destroys" and "impairs;" which was adopted.

Mr. Hargrove moved to strike out the section.

Mr. McClellan moved to lay the motion on the table; which was carried.

The section was then adopted.

Mr. Oates offered the following as an additional section:

The General Assembly shall not pass any law: 1. Locating or changing county seats. 2. Remitting fines, penalties or forfeitures, or refunding money legally paid into the treasury. 3. Relieving any assessor or collector of taxes, or other holder of public moneys, from the performance of their official duties, or them and their sureties from official liability. 4. Legalizing the unauthorized or invalid acts of any person, court or officer, or giving effect to informal or invalid wills, deeds or judgments.

On motion of Mr. Inzer, the amendment was laid upon the table.

Mr. Woolf offered the following additional section:

In the event of a vacancy in the office of Senator of the United States, during the recess of the General Assembly, the Governor shall have power to fill such vacancy by appointment, to continue until the next session of the General Assembly.

On motion of Mr. Hefflin, the amendment was laid upon the table.

The Convention took a recess until 4 o'clock, p. m.

AFTERNOON SESSION.

The Convention assembled at the designated hour.

The Convention proceeded to the consideration of the seventh section of the article reported by the committee on the legislative department, the question being on the adoption
of the substitute of Mr. Lowe, as amended by the acceptance of the amendment of Mr. Pugh.

Mr. Harrison moved to amend the substitute by striking out the words "as prescribed in the constitution," and inserting the words "according to the number of inhabitants in them respectively."

On motion of Mr. Pugh, the further consideration of the section and pending amendments was postponed until 11 o'clock to-morrow, and made the special order for that hour. On motion of Mr. O'Neal, the report of the committee on the judicial department was taken from the table.

Sections 1, 2 and 3 were adopted as follows:

Sec. 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such inferior courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time establish, and such persons as may be by law invested with powers of a judicial nature.

Sec. 2. Except in cases otherwise directed in the constitution, the supreme court shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this constitution, as may from time to time be prescribed by law; Provided, That said court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

Sec. 3. The supreme court shall be held at the seat of government; but if that shall have become dangerous from any cause, it may adjourn to a different place.

Section 4 was read as follows:

The State shall be divided by the General Assembly into convenient circuits, not exceeding ten in number, unless an increase shall be made by a vote of two-thirds of each house of the General Assembly; and no circuit shall contain less than three, nor more than twelve counties; and for each circuit there shall be chosen a judge, who shall, at the time of his election and during the time he continues in office, reside in the circuit for which he is elected.

Mr. Inzer offered the following minority report as a substitute for the section:

The State shall be divided by the General Assembly into convenient circuits, not to exceed eight in number, unless increased by a vote of two-thirds of the members of each house of the General Assembly, and no circuit shall contain less than
three nor more than twelve counties, and for each circuit
there shall be chosen a judge, who shall, for one year preced-
ing his election and during his continuance in office, reside
in the circuit for which he is elected.

Mr. McClellan moved to amend the substitute by inserting
the word "next" between the word "year" and "preceding;"
which was adopted.

Mr. Burns moved to strike out "for one year next preceding
his election and;" which was lost.

Mr. Garrett moved to amend the substitute by striking out
"eight" with a view of inserting "nine."

Mr. Inzer moved to lay the amendment on the table; which
was carried.

The substitute was then adopted.

Mr. Rice moved to reconsider the vote by which the substi-
tute was adopted.

On motion of Mr. O'Neal, the motion was laid upon the
table.

Mr. Oates moved to amend the section as amended by the
adoption of the substitute.

The President ruled the amendment out of order.

Mr. Lowe appealed from the decision of the chair, and the
question being: "Shall the decision of the chair be sus-
tained?" It was sustained—ayes 70, noes 10.

Section 5 was adopted as follows:

The circuit court shall have original jurisdiction in all mat-
ters, civil and criminal, within the State, not otherwise ex-
cepted in this constitution; but in civil cases only, when the
matter or sum in controversy exceeds fifty dollars.

Section 6 was read as follows:

A circuit court shall be held in each county in the State, at
least twice in every year; and the judges of the several cir-
cuits may hold courts for each other when they deem it expe-
dient, and shall do so when directed by law; Provided, That
the judges of the several circuit courts shall have power to
issue writs of injunction, returnable into courts of chancery.

Mr. Burns moved to amend by striking out "they" and in-
serting "two of them."

On motion of Mr. Knox, the amendment was laid upon the
table.

Section 7 was read as follows:

The General Assembly shall have power to establish a
court or courts of chancery, with original and appellate jurisdic-
tion. The State shall be divided by the General Assembly
into convenient chancery divisions, not exceeding three in
number, unless an increase shall be made by a vote of two-
thirds of each house of the General Assembly; and the divisions shall be divided into districts, and for each division there shall be a chancellor, who shall, after his election or appointment, reside in the division for which he shall have been elected or appointed.

Mr. Oates moved to amend by inserting the words “at the time of, and” between the words “shall” and “after;” which was adopted.

Mr. Oates offered the following substitute:
That at the expiration of the term of office of the five chancellors now in office, there shall no longer be a separate chancery court in this State, and thereupon it shall be the duty of the General Assembly to provide by law for the judges of the circuits to have and exercise equity jurisdiction in all cases, as fully and completely as the said chancellors are now empowered to do; Provided, That the same general forms of pleading in equity cases, as are now provided for by law, shall be retained.

Mr. Stone moved to lay the substitute on the table; which motion was carried.

Mr. Willett offered the following amendment: Amend by striking out “districts” and inserting “as many districts as there are counties in such division.”

Mr. Lowe moved to lay the amendment upon the table; which was carried.

Mr. Lowe moved to amend by striking out the words “unless an increase shall be made by a vote of two-thirds of each house of the General Assembly.”

On motion of Mr. Little, the amendment was laid upon the table—ayes 57, noes 29.

Mr. Coleman offered the following amendment: After the word “divided” insert “into convenient districts;” so as to provide that no district shall contain more than three counties, and that each county containing seventeen thousand inhabitants shall form a separate district.

Mr. McClellan moved to lay the amendment on the table; which was carried.

Mr. Murphree moved to amend by inserting after “Assembly” the words “which shall never exceed five.”

On motion of Mr. Heflin the amendment was laid on the table.

Mr. Davis offered the following amendment: Amend by adding after the word “Assembly” where it last occurs, “taken by yeas and nays and entered upon the journal.”

The amendment was adopted.

Mr. Stone offered the following substitute: The General
Assembly shall have power to establish a court or courts of chancery with original and appellate jurisdiction. The State shall be divided by the General Assembly into convenient chancery divisions and the divisions into districts, and for each division there shall be a chancellor, who shall after his election or appointment, reside in the division for which he shall have been elected or appointed. A chancery court shall be held in each county at a place to be fixed by law, and the chancellors may hold courts for each other, when they deem it expedient.

On motion of Mr. Bliss, the substitute was laid on the table.

Mr. Powell of Bullock, offered an amendment to strike out "two-thirds" and insert "four-fifths."

Mr. Moren demanded the previous question, and the call being sustained the section was adopted.

Mr. Powell of Tuscaloosa, gave notice of a rule that no member shall speak longer than ten minutes, nor more than once on any one question, unless by leave of the Convention.

Mr. Samford gave notice of a similar rule, limiting debate to five minutes.

Section 8 was read as follows:

A chancery court shall be held in each district, at a place to be fixed by law, at least twice in each year; and the chancellors may hold courts for each other, when they deem it expedient.

Mr. White moved to strike out "district" and insert "county."

Pending which, on motion of Mr. O'Neal, the Convention adjourned until 10 o'clock to-morrow.

SEVENTEENTH DAY.

FRIDAY, Sept. 24, 1875.

Convention met pursuant to adjournment.

Prayer by Rev. Dr. Andrews, of this city.

On motion of Mr. Sykes, the reading of the journal was dispensed with.

Mr. Burrell Johnston appeared in the Hall, was qualified and took his seat as delegate from Hale county.

The Convention proceeded to the consideration of the rule proposed by Mr. Powell, of Tuscaloosa, in relation to debate.

Mr. Samford moved to strike out "ten" and insert "five."
Mr. Rice moved to lay the resolution and amendment on the table; which was lost.

Mr. Rice moved to postpone the further consideration of the resolution and amendment until 12 o'clock to-morrow; which was lost.

The amendment was then adopted.

Mr. Powell of Bullock, offered the following substitute: No member shall speak more than once on the same subject, until all who desire to do so shall have spoken, and no member shall speak twice on the same subject unless by leave of the Convention, except chairmen of committees, who shall be entitled to close the debate upon their several reports.

Mr. Oates moved to strike out of the substitute the words "until all who desire to do so shall have spoken."

Mr. Brown moved to lay the substitute and amendment on the table; which was carried and the resolution, as amended, was adopted.

The Convention proceeded to the consideration of the report of the committee on finance and taxation.

Section 3 was read as follows:

The State shall never engage in works of internal improvements, nor lend its credit in aid of such; nor shall the State be interested in, or lend money or its credit in aid of, any individual, association or corporation, for any purposes whatsoever.

Mr. Sykes offered the following amendment, which was adopted:

Amend in the first line by inserting, between the words "lend" and "its," the words "money or;" and further amend by striking out all of said section after the words "interested in," and inserting therefor "any private or corporate enterprise, or lend money or credit to any individual, association or incorporation."

The section, thus amended, was adopted.

Section 5 was read as follows:

After the adoption of this Constitution, no debt shall be created against, or incurred by, this State or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of each house of the General Assembly, and the vote shall be taken by yeas and nays and entered on the journals; and any act creating or incurring any debt against this State, except as herein provided for, shall be absolutely void; Provided, the Governor may be authorized to negotiate temporary loans, never to exceed one hundred thousand dollars, to meet deficiencies in the treasury; and until the same is paid no new loan shall be negotiated.
Mr. Hargrove offered the following amendment: After “insurrection” insert the words: “or to relieve the people of this State in case of some great public calamity.” The amendment was lost.

The question recurred upon the substitute or amendment of Mr. Oates, offered on Friday, the 17th, to said section.

On motion of Mr. Sykes the amendment was laid on the table; ayes 76, noes 13.

Those who voted yea are—


Those who voted nay, are—


Mr. Sykes offered the following amendment, which was adopted:

Provided further, this section shall not be construed so as to prevent the issuance of bonds in adjustment of existing State indebtedness.

Mr. Rice moved to insert the word “new” between the words “no” and “debt,” and the words “any” and “debt,” which was adopted.

Mr. Parks moved to reconsider the vote just taken.

On motion of Mr. Lowe, the motion was laid upon the table.

The section, as amended, was adopted.

Mr. Harrison offered the following amendment as an additional section:

No tax shall be levied upon persons or property to pay the interest or principal of any bonds, direct or endorsed, which have been or may hereafter be issued in aid of any rail road corporation. Provided the General Assembly shall, at its first session after the ratification of this Constitution, transfer by appropriate legislation to the holders of said bonds all collat-
erals held by the State for her pretended endorsement of the same.

Mr. Hargrove moved to lay the amendment on the table, which motion was carried.

Section 6 was read as follows:

Sec. 6. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than three-fourths of one per cent. on the value of the property of this State.

On motion of Mr. Sykes, the word "taxable" was inserted after the words "value of," and the word "within" was inserted in lieu of the word "of," where it last occurs.

Mr. Moren offered the following amendment:

Amend by adding "Provided, that after the expiration of five years from the adoption of this constitution, a greater rate of taxation than one-half of one per cent. shall not be levied by the General Assembly."

Mr. Burns moved to amend the amendment by striking out "five" and inserting "one."

On motion of Mr. Moren, the amendment to the amendment was laid upon the table.

The amendment was adopted.

The section, as amended, was adopted.

Mr. Prince offered the following amendment as an independent section:

No State or county license for the purpose of engaging in or carrying on any useful trade or occupation, shall be required of any citizen of this State; Provided, The General Assembly shall have power to authorize the issue of retail license or police regulations, promotive of the peace, good order, comfort and decency of the community.

Mr. Sykes moved to lay the amendment on the table; which was carried—ayes 50, noes 34.

The 7th section was read as follows:

No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the property thereof, than one-half of one per cent.; Provided, That to pay debts existing at the adoption of this constitution, an additional rate of one-fourth of one per cent. may be levied and collected, which shall be exclusively appropriated to the payment of such debt or the interest thereon.

On motion of Mr. Sykes, the word "taxable" was inserted between the words "the" and "property," and the word "thereof" stricken out and the word "therein" inserted in lieu thereof.

Mr. Sykes offered the following amendment:
Provided further, That to pay any debt or liability now existing against any county, incurred for the erection of the necessary public buildings or other ordinary county purposes, or that may hereafter be created for the erection of necessary public buildings, any county may levy and collect such special taxes as may have been or may hereafter be authorized by the General Assembly, which taxes so levied and collected shall be applied exclusively to the purposes for which the same shall have been levied and collected.

Mr. Stone moved to amend the amendment by striking out the words "or other ordinary county purposes," which was lost.

Mr. Pickett moved to amend the amendment by inserting after the word "buildings," where it occurs the second time, the words "or bridges," which was adopted.

Mr. NeSmith offered the following amendment to the amendment, which was lost:

Provided, To pay for new court houses and jails, not exceeding one-half of one per centum, an additional tax shall be levied and collected.

The amendment was adopted.

Mr. Oates offered the following as a substitute for the proviso:

That nothing herein contained shall prevent the levy of such additional tax as may be necessary to pay any legal debts or liabilities existing against any county at the ratification of this constitution.

On motion of Mr. Richards, the substitute was laid on the table.

Mr. Rice offered the following amendment, which was lost; Provided, however, That nothing contained in this section shall be so construed as to impair the obligation of any contract existing at the adoption of this constitution.

The section, as amended, was adopted.

Mr. Swan offered the following amendment as an independent section:

The General Assembly shall have no power to exempt any property from taxation, either personal or real, whether belonging to individuals, corporations or railroads, except as otherwise provided for in this constitution.

On motion of Mr. Cobb, the word "private" was inserted before the word "corporations."

On motion of Mr. Sykes, the amendment was laid on the table.

Mr. Samford offered the following amendment as an independent section, which was adopted:
The property of corporations, associations and individuals of this State, shall forever be taxed at the rate of taxation. Provided, This section shall not apply to institutions or enterprises devoted exclusively to religious, educational or charitable purposes.

The eighth section was read, as follows:

No city, town or municipal corporation, other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year, on the taxable property therein, than one-half of one per centum of the value of such property, as assessed for State taxation during the preceding year; Provided, for the payment of debts existing at the time of the adoption of this constitution, and the interest thereon, an additional rate of one and one-half per centum may be collected, to be applied exclusively to such indebtedness; Provided, this section shall not apply to the city of Mobile, which city may levy — to pay the expenses of the city government, and ——— to pay the present indebtedness and interest thereon.

On motion of Mr. Oates, the word "that" was inserted after "provided" where it first occurs, and the word "adoption" was stricken out and the word "ratification" inserted in lieu thereof.

On motion of Mr. Cobb, the words "and one-half" were stricken out.

Mr. Rice proposed the same amendment to this section, which he proposed to the seventh section, which was lost.

Mr. Brewer offered the following amendment for the purpose of filling the blanks relative to Mobile county.

And provided, this section shall not apply to the city of Mobile, which city may, until the first day of January, 1879, levy a tax not to exceed the rate of one per centum, and from and after that time a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also, until the first day of January, 1879, levy a tax not to exceed the rate of one per centum, and from and after that time a tax not to exceed three-fourths of one per centum to pay the existing indebtedness of said city and the interest thereon.

The amendment was adopted.

The section, as amended, was adopted.

On motion of Mr. Powell of Tuscaloosa, section nine, relating to the per diem and mileage of members of the General Assembly, was stricken out, as the same thing is provided for in the legislative department article.
The tenth section was read, as follows:

At the first session of the General Assembly after the adoption of this constitution, the salaries of State officers, as now existing, shall be reduced at least 25 per centum, and after said reduction the General Assembly shall not have power to increase the same, except by a vote of two-thirds of the members of each house, taken by yeas and nays and entered on the journals; Provided, The pay of no officer of this State shall be changed during the time for which he was elected or appointed.

Mr. Pickett moved to strike out the section, which was lost. Yeas 43, nays 51.

Those who voted aye are—


Those who voted nay are—


Mr. White offered the following amendment to the section: Strike out all down to and including the words "twenty-five per centum," and insert in lieu thereof, "at the first session of the General Assembly after the ratification of this constitution, the salaries of the following officers and employees shall be reduced at least 25 per centum, viz: Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, Judges of the Supreme Court, Circuit Judges and Chancellors, and all attaches employed about the offices of any of said officers."

Mr. Ralls moved to amend by striking out "and all attaches employed about the offices of any of said officers," which was accepted.

Mr. Cobb moved to strike out "25 per centum" and insert "33\(\frac{1}{3}\) per centum."
On motion of Mr. Martin, the amendment was laid on the table. Ayes 50, noes 36.

Mr. Cobb moved to amend by striking out "judges of the supreme court, circuit judges and chancellors."

Mr. Rather moved to lay the amendment to the amendment on the table. The motion was carried; ayes 57, noes 34.

Mr. Mudd moved to amend by striking out "judges of the supreme court."

Mr. Garrett moved to lay the amendment on the table, which motion was lost; ayes 46, noes 46.

The convention took a recess until 4 o'clock, p.m.

AFTERNOON SESSION.

The Convention assembled at the appointed hour.

The consideration of the report of the committee on finance and taxation was resumed, the question being on Mr. Mudd's amendment to Mr. White's amendment to section ten, which was to strike out supreme court judges.

The amendment was lost.

Mr. Mudd moved to amend by striking out "two-thirds of the members of," and inserting "a majority of all the members elected to"; which was accepted.

Mr. Lea of Dallas offered the following amendment to the amendment: Provided, That all such salaries of officers shall be paid in gold coin or its equivalent.

On motion of Mr. Rather, the amendment was laid on the table.

Mr. Hargrove offered the following amendment to the amendment: And provided further, That no officer of this State shall employ any clerk or other assistant, at the expense of the State, except when authorized to do so by act of the General Assembly.

Mr. Garrett moved to lay the amendment on the table; which was carried.

Mr. Rice moved to strike out "a majority" and insert "two-thirds."

Mr. Sykes moved to lay the amendment on the table; which motion was carried.

Mr. Livingston moved to reconsider the vote just taken.

On motion of Mr. Powell of Tuscaloosa, the motion was laid on the table.

Mr. Harrison offered the following amendment to the amendment: Insert after "chancellors" the words "and all other
officers, both State and county, except sheriffs, clerks of the circuit courts, justices of the peace, and constables."

On motion of Mr. Coleman, the amendment was laid upon the table.

Mr. Aiken offered the following amendment: Strike out the proviso, and insert in lieu thereof, Provided, This section shall not apply to any of aid officers now in office; which amendment was accepted.

Mr. Rice moved to strike out "a majority" and insert "three-fifths"; which was adopted.

Mr. Cobb moved to strike out all of said amendment which conferred any power upon the General Assembly to increase the salaries; which was lost.

Mr. Garrett moved to reconsider the vote by which the committee adopted Mr. Rice's amendment.

The motion to reconsider was carried—ayes 55, noes 33.

On motion of Mr. Garrett, the amendment was laid upon the table.

Mr. Rice moved to amend by inserting after the word "Assembly" the word "elected."

On motion of Mr. Garrett, the amendment to the amendment was laid upon the table.

Mr. Hefflin moved to lay the amendment of Mr. White on the table; which motion was lost.

The amendment was then adopted.

Mr. Aiken moved to amend by inserting after the word "salaries" the words "as now established by law."

Mr. Foster of Barbour moved to lay the amendment on the table; which was carried.

Mr. Bliss moved to amend by inserting "afterwards" before "elected."

On motion of Mr. Foster of Barbour, the amendment was laid upon the table.

The section, as amended, was then adopted—ayes 69, noes 21.

Those who voted yea are—

Messrs. President, Aiken, Akers, Allgood, Battle, Bliss, Bolling, Brown, Booth, Burgess, Burton, Callaway, Cobb, Davis, Delbridge, Dickinson, Forwood, Foster of Barbour, Foster of Hale, Gamble, Garrett, Gibson, Gordon, Green of Choctaw, Green of Conecuh, Gullett, Hames, Hefflin, Hudson, Ingle, Inzer, Johnson of Hale, Jones, Kelly, Laird, Lea of Dallas, Long, Manasco, Martin, Meadows, More, Mudd, Murphree, Musgrove, NeSmith, Norwood, Nowlen, O'Neal, Parks, Pickett, Powell of Tuscaloosa, Prince, Pugh, Ralls, Rather, Richards, Robinson, Samford, Smith, Sterrett, Stone,
Swan, Sykes, Taylor, Torrey, Weathers, White, and Willett—69.

Those who voted nay are—


Mr. Samford offered the following amendment as an independent section:

That the General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

The amendment was adopted.

The article was then referred to the committee on the order, harmony and consistency of the whole constitution.

Mr. Foster of Barbour moved to reconsider the vote by which the Convention on yesterday adopted section 64 of the report of the committee on the legislative department.

Mr. Oates moved to postpone the consideration of the motion to reconsider until 11 o'clock to-morrow; which was lost.

The motion to reconsider was carried.

Mr. Pugh offered the following as a substitute for the section:

There can be no law of this State impairing the obligation of contracts, by destroying or impairing the remedy for their enforcement, and the General Assembly shall have no power to revive any right or remedy which may have become barred by lapse of time or by any statute of this State.

Mr. Rice moved to amend the section by adding: Provided, however, That nothing herein contained shall authorize any suit whatever against the State of Alabama; which was lost.

Mr. Rice moved to postpone the consideration of the matter until 12 o'clock to-morrow; which was lost.

The substitute was adopted.

Mr. Woolf moved to reconsider the vote by which the Convention yesterday adopted section 62 of the report of the committee on the legislative department; which motion was carried.

Mr. Woolf moved to amend by inserting between “circuit” and “court” the words “city or criminal”; which was carried.

The section, as amended, was then adopted.

Mr. Oates moved to reconsider the vote by which the Convention on yesterday adopted section 61 of the report of the committee on the legislative department; which was carried.

On motion of Mr. Oates, the words “and inferior courts of record” were stricken out, and the words “from which an ap-
peal may be taken directly to the supreme court" inserted in lieu thereof.

The section, as amended, was adopted.

On motion of Mr. Herndon, the vote by which the Convention on yesterday adopted section 53 of the report of the committee on the legislative department, was reconsidered.

Mr. Herndon offered the following substitute; which was adopted:

It shall be the duty of the General Assembly to require the several counties of the State to make adequate provision for the maintenance of the poor.

On motion of Mr. White, the Convention adjourned until 9 o'clock to-morrow.

EIGHTEENTH DAY.

Saturday, September 25, 1875.

The Convention met pursuant to adjournment.

Prayer by Rev. Mr. Callaway of the Convention.

On motion of Mr. Moren, the reading of the Journal was dispensed with.

Mr. Pugh moved that the president be authorized to appoint the chairman of the committee on militia, [Mr. Battle] and Mr. Woolf on the committee on the order, consistency and harmony of the whole constitution; which was carried.

Mr. Battle moved to reconsider the vote by which the Convention adopted section 57 of the report of the committee on the legislative department.

Mr. Willett moved to lay the motion to reconsider on the table; which was carried.

Mr. Gibson, a resolution that there shall be two separate propositions on exemptions submitted to the people: number one to embrace what is now exempt under the present constitution, and number two to exempt to the head of each family, from sale under execution, five hundred dollars worth of property, real or personal, or mixed, at the option of those claiming the exemption, and that the right to waive exemption, as reported by the committee on exemptions, be stricken out.

Referred to committee on exemptions.

Mr. Cobb, from the committee on contested elections, submitted a report upon the matter of the petition of John S. Simpson, claiming a seat in the Convention as a delegate from Lawrence county.

The committee report in favor of the sitting delegate, Hon. Charles Gibson.
On motion of Mr. Rice, the consideration of the report was postponed until 12 o'clock Monday.

The motion of Mr. Oates to reconsider the vote by which section 1 of the report of the committee on the judicial department was adopted with a view to amend by striking out the words “chancery courts, and courts of probate,” and making the section read as in the constitutions of 1819 and 1865, came up.

Mr. Coleman moved to lay the motion upon the table, which was carried.

Mr. Burns moved to reconsider the vote by which Mr. Prince's amendment, as an independent section, to the report of the committee on finance and taxation, was laid on the table yesterday.

On motion of Mr. Rather, the motion was laid on the table.

The Convention proceeded to the consideration of the report of the committee on the judicial department, the question being on the amendment of Mr. Coleman to the 8th section.

The amendment was lost.

Mr. Powell of Tuscaloosa, moved to amend by adding at the end of the section, “and in all trials in said courts either party may demand a trial by jury of any issue of fact under such regulations as may be prescribed by law.”

On motion of Mr. Richards, the amendment was laid on the table.

At the hour of 0 o'clock the special order came up, it being section 7 of the report of the committee on the legislative department.

Mr. Foster of Barbour, moved to postpone the consideration of the special order for the purpose of continuing the consideration of the report of the committee on the judicial department, which was lost.

Mr. Garrett moved to suspend the consideration of the special order for the purpose of taking up the majority and minority reports of the committee on elections and basis of representation, which motion was carried.

Mr. Garrett moved to substitute the minority report for sections 7 and 8 of the majority report.

Mr. Harrison moved to strike out “Lee” where it last occurs in the minority report and insert Sumter, and strike out “Sumter” where it occurs and insert Lee.

Mr. Lyon demanded the previous question and the call was not sustained.
Mr. Brown moved to lay the substitute and amendment upon the table, which was carried; ayes 55, noes 35.

The question recurred upon the adoption of the majority report.

Mr. O'Neal moved to strike out "Lauderdale" where it occurs in the 7th section and insert Lawrence; which was lost.

Mr. Powell of Tuscaloosa, moved to strike out the word "Bibb," where it occurs in the 8th section and insert "Fayette."

On motion of Mr. Stone, the amendment was laid upon the table.

Mr. Powell of Bullock, moved to amend 7th section by striking out all after the word "provided," and insert the following: "The apportionment of Representatives among the several counties shall continue as now existing, which amendment was lost.

Mr. Knox moved to strike out "Jefferson" in the 7th section and insert it after the word "Henry."

On motion of Mr. Martin, the amendment was laid on the table.

Mr. Knox moved to strike out "Pike," and insert it between "Marshall" and "Randolph."

Mr. Oates moved to lay the amendment on the table, which was carried.

Mr. Sterrett moved to strike out "Walker" in the 8th section, and insert "Bibb."

On motion of Mr. Hargrove the amendment was laid upon the table.

The report of the majority of the committee was concurred in.

The article was referred to the committee on the order, consistency and harmony of the whole constitution.

On motion of Mr. Little, the 7th section of the report of the committee on the legislative department was taken up.

The section was then adopted, and the article was referred to the committee on the order, consistency and harmony of the whole constitution.

On motion of Mr. Oates, the Convention resumed the consideration of the report of the committee on the judicial department, the question being upon the amendment to strike out "districts" in the 8th section, and insert "county."

On motion of Mr. Oates, the amendment was laid upon the table.

Mr. Cobb moved to amend by striking out "twice" and inserting "one," which was adopted.

The section, as amended, was then adopted.
Section 9 was read as follows:

The General Assembly shall have power to establish in each county within the State a court of probate, with general jurisdiction for the granting of letters testamentary and of administration, and for orphans' business.

Mr. Swan moved to amend by adding, "and also such other duties as may be conferred upon said court by statute."

On motion of Mr. Oates, the amendment was laid on the table.

Mr. Cobb moved to amend by inserting between the words "testamentary" and "and" the following words: "and for the sale and distribution of real estate."

Mr. Hargrove moved to lay the amendment on the table; which was carried.

Mr. McClellan moved to adjourn until Monday morning at 11 o'clock; which was lost.

Mr. Brown moved to take a recess until 3 p.m.; which was lost.

The 9th section was then adopted.

Section 10 was adopted as follows:

The judges of the supreme court, circuit courts and courts of chancery shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State, or the United States, during the term for which they have been elected, nor under any other power, during their continuance in office.

Section 11 was read:

The supreme court shall consist of a chief justice, and such number of associate justices as may be prescribed by law.

Mr. Garrett moved to amend the section by adding the words "not exceeding two."

On motion of Mr. Oates, the amendment was tabled.

The section was adopted.

Section 12 was read as follows:

The chief justice and associate justices of the supreme court, judges of the circuit courts, probate courts and chancellors, shall be elected by the qualified electors of the State, circuits, counties, and chancery divisions for which such courts may be established, at such times as may be prescribed by law.

Mr. NeSmith offered the following amendment: Add after the word "chancellors," in the second line, the words "a solicitor for each judicial circuit, except for the circuit in which the capitol shall be situated," and add, at the end of the sec-
tion, "Provided, That no election for solicitors shall be held before the general election in 1876."

Mr. Oates moved to lay the amendment on the table; which was carried—ayes 52, noes 33.

Those who voted yea are—


Those who voted nay are—


On motion of Mr. Moren, the Convention adjourned until 11 o'clock Monday.

NINETEENTH DAY.

MONDAY, September 27, 1875.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Richards of the Convention.

The Convention resumed the consideration of the reports submitted by the committee of the judicial department. Section under consideration being the twelfth.

Mr. Hames offered the following substitute for the section:

The chief justice and associate justices of the supreme court, and chancellors, shall be elected by the members of the General Assembly by joint ballot, and judges of the probate and circuit courts shall be elected by the qualified electors of the circuits and counties for which such courts may be established and at such times as may be prescribed by law.

On motion of Mr. Flournoy, the substitute was laid on the table.

Mr. Lewis moved to amend by inserting the words "sherriffs" between the words "courts" and "and;", which was lost.

Mr. Burns moved to amend by adding after the word "courts" the words "county solicitors."
On motion of Mr. Oates, the amendment was laid on the table.

Mr. Powell of Bullock moved to amend by inserting after "court" the words "shall be nominated by the Governor, and confirmed by the Senate and the."

On motion of Mr. Manasco, the amendment was laid on the table.

Mr. Knox moved to amend by inserting after "probate courts" the words "a solicitor for each circuit."

On motion of Mr. Murphree, the amendment was laid on the table.

Mr. Burton moved to amend by adding after "probate courts" the words "Attorney General;" which was lost.

The twelfth section was then adopted.

The thirteenth section was read as follows:

SEC. 13. The judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the General Assembly may prescribe.

Mr. Knox moved to amend by adding after the word "elected," the words "by the qualified electors of the county for which courts may be established," and by striking out all after elected.

On motion of Mr. Foster of Barbour, the amendment was laid on the table.

Mr. Burns moved to strike out "or appointed."

On motion of Mr. Oates, the amendment was laid on the table.

The thirteenth section was then adopted.

The fourteenth section was read as follows:

SEC. 14. The judges of the supreme court, circuit courts, and chancellors, and the judges of city courts, shall be citizens of the United States, and of this State, for five years next preceding their election or appointment, not less than thirty years of age, and shall be learned in the law.

Mr. McClellan moved to amend by striking out "thirty" and inserting "twenty-five;" which was lost.

The section was then adopted.

The fifteenth section was read as follows:

SEC. 15. The judges of the several courts of this State shall hold office for the term of six years, and until their successors are elected or appointed and qualified; and the right of any judge to hold his office for the full term hereby prescribed, shall not be affected by any change hereafter made by law, in any circuit or district, or in the mode or time of election.
Mr. Aiken moved to amend by striking out the words "judges of the several courts of this State," and inserting the words "judges of the supreme court, judges of the circuit court, and chancellors."

Mr. Foster of Barbour moved to amend the amendment by adding the words "and judges of the probate courts."

Mr. Little moved to lay the amendment to the amendment on the table; which motion was carried.

Mr. O’Neal moved to lay Mr. Aiken’s amendment on the table; which motion was lost.

Mr. Heflin moved to amend the amendment by substituting the words "chief justice and associate justices of the supreme court;" the amendment was accepted, and the amendment, as amended, was then adopted.

Mr. Rice moved to amend by adding the following: "Provided, however, that nothing contained in this section, or in this constitution, shall be construed to destroy the existing right of any probate judge now in office."

The amendment was adopted.

Mr. Powell of Bullock moved to amend by adding the following: "And no law shall extend the term of any of those officers, or increase or diminish their salaries, or emoluments, after their election or appointment."

On motion of Mr. Oates, the amendment was laid on the table.

The section, as amended, was then adopted.

The sixteenth and seventeenth sections were then adopted as follows:

Sec. 16. The judges of the supreme court shall, by virtue of their offices, be conservatives of the peace throughout the State; the judges of the circuit courts within their respective circuits, and the judges of the inferior courts, within their respective jurisdictions, shall, in like manner, be conservatives of the peace.

Sec. 17. Vacancies in the office of any of the judges or chancellors of this State, shall be filled by appointment by the Governor, and such appointee shall hold his office for the unexpired term, and until his successor is elected or appointed and qualified.

The eighteenth section was read as follows:

Sec. 18. If, in any case, civil or criminal, pending in any circuit, chancery or city court in this State, the presiding judge or chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such cause, the parties or their attorneys of record, if it be a civil case, or the solicitor or other prosecuting officer, and the defendant or defendants,
if it be a criminal case, may agree upon some disinterested person present in court, and learned in the law, to act as special judge or chancellor, to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a judge of the circuit or city court or chancellor might do in such case. If the case be a civil one and the parties or their attorneys of record do not agree, or if the case be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil cause is not represented in court, the clerk of the circuit or city court, or register in chancery, shall appoint the special judge or chancellor, who shall preside, try and render judgments as in this section provided.

Mr. Powell of Tuscaloosa moved to amend by striking out all after the word “case,” and all of the fourth line, and all after the word “agree” in the 8th, down to and including the word defendant.

On motion of Mr. Richards, the amendment was laid upon the table.

Mr. Samford moved to amend by striking out all after the word “cause,” and inserting the following: “The General Assembly shall be authorized, by appropriate legislation, to provide for the trial of such causes.

Mr. Hargrove offered the following amendment to the amendment: After the word “cause,” insert the following: “The General Assembly shall provide for the selection of a practicing attorney at law to try such case,” and strike out the rest of the section.

On motion of Mr. Jones, the amendments were both laid upon the table.

Mr. Rice offered the following amendment: Amend by striking out all after the word “courts,” where it first occurs, and insert the following: “It shall be the duty of the presiding judge or chancellor, although incompetent to try such case, on the application of either party to such suit, whether civil or criminal, either in term time or vacation, to make an order upon the minutes of the court, transferring such suit for trial to the nearest court of like character, presided over by a different judge or chancellor, anything in this constitution to the contrary notwithstanding; and the court to which such suit is transferred, shall hear and determine the same as if it had originated in that court, and the original papers, together with a certified transcript of all entries in the case, shall be transferred by the clerk, or register, in which the case
began, in accordance with such order for the transfer of the case.

On motion of Mr. Oates, the amendment was laid on the table.

Mr. Bliss moved to amend by striking out the word "criminal" and inserting the word "misdemeanor," which was adopted.

Mr. Cobb moved to strike out all after the word "cause" in the third line, and insert the following: "the General Assembly shall have authority to provide by law for the appointment of a special judge or chancellor to try the same."

Mr. Hargrove moved to amend the amendment by striking out the words "the General Assembly" and inserting the words "It shall be the duty of the General Assembly."

On motion of Mr. Coleman, both amendments were laid on the table.

Mr. McClellan offered the following substitute:

The General Assembly shall provide by law for the trial, in the counties in which they arise, of all causes in the circuit, city and chancery courts, where the judge and chancellors thereof are incompetent to sit, and may devolve such duty on any attorney learned in the law, to be selected by consent of the parties interested or otherwise.

On motion of Mr. Flournoy, the amendment was laid on the table.

Mr. Herndon moved to amend by striking out the words "present in court," which was lost.

Mr. Samford moved to amend by inserting after the word "chancellor" in the eleventh line, the words "of the court in which said cause is pending," which was adopted.

Mr. Mudd moved to amend by inserting in the seventh line between the words "chancellors" and "might," the words "sitting as a court," which was adopted.

Mr. Aiken moved to amend by inserting after "chancellor" in the twelfth line, the words "who shall be an attorney at law of good standing in his profession, over thirty years of age, and who shall have resided in this State five years next before his appointment, and ".

Mr. Inzer moved the previous question, which call being sustained, amendments were cut off, and the 18th section, as amended, was adopted.

The notice given by Mr. Oates that he would move to reconsider the vote by which section ten was adopted, came up.

The motion to reconsider was carried.
Mr. Oates moved to amend by striking out the words "continuance in office" and inserting the words "official terms."

Mr. Rice moved to lay the amendment on the table, which motion was lost.

The amendment was then adopted, and the 10th section, as amended, was adopted.

Sections 19, 20, 21 and 22, were adopted as follows:

Sec. 19. The General Assembly shall have power to provide for the holding of circuit and chancery courts in this State when the judges or chancellors thereof are absent at a regular term.

Sec. 20. No judge of any court of record in this State shall practice law in any of the courts of this State or of the United States.

Sec. 21. Registers in chancery shall be appointed by the chancellors of the divisions, and shall hold office during the term of the chancellor making such appointment, and such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law.

Sec. 22. A clerk of the supreme court shall be appointed by the judges thereof, and shall hold office during the term of the judges making the appointment, and clerks of such inferior courts as may be established by law shall be appointed by the judges thereof, and shall hold office during the term of the judge making such appointment.

The twenty-third section was read, as follows:

Sec. 23. Clerks of the circuit court shall be elected by the qualified electors in each county for the term of six years. Vacancies in such office shall be filled by the Governor for the unexpired term.

Mr. Murphree moved to amend by striking out "six" and inserting "four."

On motion of Mr. Oates, the amendment was laid on the table.

Mr. Davis moved to amend by inserting after the word "court," the words "and of the city court," which was laid on the table.

Mr. Rice moved to amend by striking out the words "the Governor" and inserting judges of the circuits in which such vacancy occurs," which was lost.

The twenty-third section was then adopted.

The twenty-fourth section was then read, as follows:

Sec. 24. Registers in chancery and clerks of the several courts of this State may be removed from office by the chan-
cellors and judges of such courts respectively, for cause, to be entered at length upon the records of the court.

Mr. Burns moved to amend by adding, "Provided, such register or clerk shall have the right of appeal to the supreme court."

On motion of Mr. Heflin, the amendment was laid on the table.

Mr. Herndon offered the following substitute:

Sec. 24. The clerk of the supreme court and registers in chancery may be removed from office by the judges of the supreme court and chancellors respectively, for cause, to be entered at length upon the records of the court.

The substitute was adopted.

The twenty-fifth section was read, as follows:

Sec. 25. It shall be the duty of the General Assembly, at its first session after the ratification of this constitution, to elect by joint ballot a solicitor for each judicial circuit of this State, whose term of office shall be three years; Provided, however, that the term of office shall not begin until November, 1876; and provided further, that the solicitor elected for the circuit in which the capitol of the State is situated shall be the attorney general of the State.

Mr. Cobb moved to amend by striking out the last proviso, which amendment was lost.

Mr. Flournoy offered the following substitute:

A solicitor for each county in this State shall be elected by the qualified voters thereof on the first Monday in August, 1876, who shall hold his office for the term of two years, and until his successor is elected and qualified.

On motion of Mr. Foster of Barbour, the substitute was laid on the table.

Mr. Parks moved to amend by striking out all after "years" in the third line, down to the word "and" in the next line, and substitute therefor the words "and to begin at such time as may be prescribed by law."

On motion of Mr. Inzer, the amendment was laid on the table.

Mr. Pickett moved to amend by striking out "six" and inserting "three," which amendment was lost.

On motion of Mr. Oates, the twenty-fifth section was recommitted.

On motion of Mr. Pickett, the convention adjourned until 4 o'clock, p.m.
EVENING SESSION.

The Convention reassembled at the designated hour, and resumed the consideration of the report of the committee on the judicial department.

Mr. Oates moved to reconsider the vote by which section twenty-five was recommitted, which motion was carried.

Mr. Oates offered the following substitute:

Sec. 25. It shall be the duty of the General Assembly, at the first session thereof after the ratification of this constitution, to elect by joint ballot an attorney, who shall, after his election, reside at the capital during his official term, and who shall be ex-officio solicitor of the judicial circuit embracing the capital, and a solicitor for each of the other judicial circuits, who shall reside in the circuits for which they are chosen at the time of their election, and during their continuance in office, and whose terms of office shall be as follows: The term of office of those first elected shall begin on the first Monday in November, 1876, and continue for four years, and their successors shall ever thereafter be, in like manner, elected for the term of six years.

Mr. McClellan moved to amend by making the attorney general elected by the people.

Mr. Samford moved to lay the substitute and amendment on the table. The vote being first taken on laying the amendment on the table, the motion was lost. Yeas 22, nays 54.

Those who voted yea are—

Those who voted nay are—

The motion to lay the substitute on the table was lost.

On motion of Mr. Pickett, the substitute and section were recommitted to the committee.

The twenty-sixth section was read, as follows:

Sec. 26. A competent number of justices of the peace and
constables shall be elected in and for each county by the qualified electors thereof, who shall hold office during such terms as may be prescribed by law. Said justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed $100. In all cases tried before such justices, the right of appeal shall be secured by law; Provided, That notaries public, appointed according to law, shall be authorized and required to exercise throughout their respective counties all the powers and jurisdiction of justices of the peace.

Mr. Lea of Dallas, moved to amend by striking out all after and including the word "provided," which amendment was lost.

Mr. Herndon moved to strike out the words "throughout their respective counties," which was adopted.

Mr. Herndon moved to amend by adding "but this proviso shall not apply to notaries public appointed in cities and towns containing more than five thousand inhabitants," which was adopted.

Mr. Hefflin moved to amend by inserting after the words "one hundred dollars" the words "except actions for slander, assault and battery, and ejectment," which amendment was adopted.

Mr. Richards moved to amend by inserting after the words "qualified electors thereof" the words "at such times as may be prescribed by the General Assembly."

Mr. Little moved to amend the amendment by inserting after "qualified electors" the words "in their respective precincts," which was accepted, and the amendment, as amended, adopted.

Mr. Bliss moved to strike out "$100" and insert "$200," which was lost.

Mr. Oates offered a substitute for the section, which was lost.

Mr. Flournoy moved to amend by inserting after "jurisdiction" the words "whether by contract or otherwise," which was lost.

Mr. Burns moved to amend by inserting after "appeal" the words "without prepayment of costs," which was adopted.

Mr. Garrett moved to recommit the section and amendments, which motion was carried.

The twenty-seventh section was read, as follows:

Sec. 27. The attorney general shall reside at the seat of government and shall be the law officer of the State. During the sessions of the General Assembly he shall furnish to the committees of either house, when required, drafts of bills and
written opinions upon any matter under consideration of the committees, and shall perform such other duties as may be required of him by law.

Mr. Powell of Tuscaloosa, moved to lay the section on the table, which motion was lost.

Mr. Oates moved to recommit the section, which was carried.

Sections 28, 29 and 30 were read, as follows:

Sec. 28. For willful neglect of duty, habitual drunkenness, incompetency, corruption in office, or any offense involving moral turpitude, the Governor shall remove any chancellor or judge (except probate judges) from office, on the address of a majority of all the members elected to each house of the General Assembly; Provided, That the cause or causes for which such removal may be required shall be stated at length in such address, and entered on the journals of each house; And provided further, That the judge intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense and by counsel, before any vote for such address shall be taken; and in all such cases the vote shall be taken by yeas and nays and entered on the journal of each house respectively.

Sec. 29. Probate judges, sheriffs, tax collectors, tax assessors, clerks of the circuit courts, county treasurers, justices of the peace, constables, mayors and intendents of incorporated cities and towns, may be removed from office for willful neglect of duty, habitual drunkenness, incompetency in office, or any offense involving moral turpitude, by the circuit court of the county in which such officers hold their offices, in such manner as may be prescribed by law; Provided, The right of trial by jury and appeal shall be secured.

Sec. 30. Any judge, chancellor, or other officer removed from office under sections 28 and 29 of article —, of this constitution, shall be ineligible to any office under the authority of this State, and shall be liable to indictment, trial and judgment according to law.

On motion of Mr. Cobb, the 28th, 29th and 30th sections were stricken out, as recommended by the minority of the committee. The 31st section was adopted, as follows:

Sec. 31. The style of all processes shall be "The State of Alabama," and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude, "Against the peace and dignity of the State."

On motion of Mr. Cobb, the Convention proceeded to the consideration of the article on corporations.
ARTICLE —, CORPORATIONS.

PRIVATE CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the legislature, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section, may be altered, amended or repealed.

SECTION 2. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

SECTION 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SECTION 4. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same, upon whom process may be served.

SECTION 5. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate, except such as may be necessary and proper for its legitimate business.

SECTION 6. No corporation shall issue stock or bonds, except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days notice given in pursuance of law.

SECTION 7. Municipal and other corporations and individuals, invested with the privilege of taking private property for public use, shall make just compensation for the property taken, injured, or destroyed by the construction or enlargement of its works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person from an appeal from any preliminary
assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury according to the course of the common law.

Sec. 8. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

Sec. 9. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

Sec. 10. The General Assembly shall have the power to alter, revoke or amend any charter of incorporation now existing, and revokable at the adoption of this constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporations. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase, or otherwise, any other competing line of telegraph.

Sec. 12. The term corporation, as used in this article, shall be construed to include all joint stock companies, or any associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

**BANKS AND BANKING.**

Sec. 13. The General Assembly shall not have the power to establish or incorporate any bank, or banking company, or monied institution for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this constitution.

Sec. 14. No bank shall be established otherwise than under a general banking law, as provided in the thirteenth section of this article, nor otherwise than upon a specie basis.

Sec. 15. All bills, or notes issued as money, shall be, at all times, redeemable in gold or silver, and no law shall be
passed sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payment.

Sec. 16. Holders of bank notes, and depositors, who have not stipulated for interest, shall, for such deposits, be entitled, in case of insolvency, to the preference of payment over all other creditors.

Sec. 17. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suit, until its affairs and liabilities are fully closed.

Sec. 18. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

Sec. 19. The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given, or lent, to any banking company, association, or corporation.

Sec. 20. All corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

RAILROADS AND CANALS.

Sec. 21. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and to connect, at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport, each, the other's freight, passengers, and cars, loaded or empty, without delay or discrimination.

Sec. 22. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount for the transportation of the same for a less distance than the amount charged for any greater distance, but excursion and commutation tickets may be issued at special rates.

Sec. 23. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal, not exceeding fifty miles in length.
Sec. 24. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

Sec. 25. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback, or otherwise; and no railroad or canal company, or any lessee, manager, or employee thereof, shall make any preference in furnishing cars or motive power.

Sec. 26. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freights and passenger tariffs on the different railroads in this State.

Sec. 27. No railroad, railway, or other transportation company, shall grant free passes, or sell the same at a discount to any member of the General Assembly, or to any person holding office under this State or the United States.

Sec. 28. No street passenger railway shall be constructed within the limits of any city or town, without the consent of its local authorities.

Sec. 29. No railroad, canal, or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Sec. 30. The General Assembly shall enforce by appropriate legislation the provisions of this article.

Mr. Langdon moved to amend the first section by inserting between "municipal" and "purposes" the words "mining, manufacturing and immigration."

Mr. Rice moved to amend the amendment by adding the words "industrial and educational"; which was accepted, and the amendment, as amended, was adopted.

The first section, as amended, was adopted.

The second section was adopted.

Mr. Rice moved to amend the third section by inserting after "corporations" the words "provided that nothing contained in this section, or this constitution, shall be construed to destroy or impair the power of the General Assembly to legislate as to educational, industrial, mining, manufacturing corporations or associations."
On motion of Mr. Martin, the amendment was laid on the table.

The third section was adopted.

Mr. McClellan moved to amend the fourth section by striking out "the same," and inserting "each county in which it does business."

The amendment was adopted.

Mr. Powell of Bullock moved to amend by inserting after the word "foreign" the words "or domestic."

On motion of Mr. Foster of Barbour, the amendment was laid on the table.

Section four, as amended, was then adopted.

Mr. McClellan moved to amend the fifth section by inserting after the word "expressly" the words or by "implication"; which was lost.

Mr. Rice moved to strike out all after the word "charter"; which was lost.

Mr. Rather moved to reconsider the vote just taken; which motion was carried.

The amendment offered by Mr. Rice was then adopted.

The fifth section, as amended, was then adopted.

The sixth section was adopted.

On motion of Mr. O’Neal, the Convention adjourned until 9 o’clock to-morrow.

TWENTIETH DAY.

Tuesday, Sept. 28, 1875.

Convention met pursuant to adjournment.
Prayer by Rev. Mr. Ralls of the Convention.
On motion of Mr. Davis, the reading of the journal was dispensed with.

The Convention resumed the consideration of the article on corporations.

Mr. Hargrove moved to amend the seventh section by striking out "and individuals" after the words "other corporations," and the words "or individuals" after "such corporations"; which amendment was lost.

Mr. Little moved to amend by striking out "or secured" after the words "shall be paid"; which was adopted.

The seventh section, as amended, was then adopted.

Sections 8 and 9 were adopted.

Mr. Hargrove moved to amend the tenth section by striking out the last sentence; which was lost.
Mr. Harrison moved to insert the word "special" between the words "no" and "law"; which was lost.

The tenth section was then adopted.

Mr. Herndon moved to amend the eleventh section by striking out the last sentence; which was lost.

The eleventh section was then adopted.

The twelfth section was adopted.

Mr. Mudd moved to reconsider the vote by which the third section was adopted; which motion was carried.

Mr. Rice offered the following amendment:

Strike out the word "other" before "general," and insert after the words "benefit of such corporation" the words "other than in execution of the trust created by law or by contract"; which amendment was adopted.

The third section, as amended, was then adopted.

The thirteenth section was adopted.

Mr. Langdon moved to amend the fourteenth section by striking out "as provided in the thirteenth section."

Mr. Manasco moved to lay the amendment on the table; which motion was lost.

The amendment was adopted, and the section, as amended, was adopted.

The fifteenth section was adopted.

Mr. Bliss moved to amend the sixteenth section by inserting the words "notes and," between "such" and "deposits;" which was adopted.

The sixteenth section, as thus amended, was adopted.

The 17th, 18th, 19th, 20th and 21st sections were adopted.

Mr. Foster of Barbour moved to strike out the 22nd section.

Mr. Gamble moved to lay the motion on the table; which motion was lost.

Mr. Murphree offered the following substitute for the section:

It shall not be lawful for any railway or other transportation company to charge for local or way freight, or passage, exceeding fifty per cent. additional per mile, over and above the amount charged per mile for through freight or passage.

Mr. Martin moved to lay the substitute on the table; which motion was carried.

The motion to strike out the section was lost—yeas 36, nays 57.

Those who voted yea are—

Messrs. President, Bliss, Brewer, Booth, Cobb, Coleman, Dickinson, Foster of Barbour, Garrett, Gibson, Hames, Harrison, Herndon, Inzer, Johnson of Hale, Johnson of Macon,
Jones, Knox, Lea of Baldwin, Little, Livingston, Mudd, Murphree. NeSmith, O'Neal, Pickett, Powell of Bullock, Rather, Rice, Richards, Sykes, Torrey and Weathers—36.

Those who voted nay are—


Mr. McClellan offered the following substitute:

The General Assembly shall pass laws to correct abuses, and prevent unjust discriminations and extortions in the rates of freight and passenger tariffs on railroads, canals and rivers in this State.

Mr. Burns moved to amend by striking out “rivers.”

On motion of Mr. Cobb, the amendment was laid on the table.

Mr. Langdon moved to lay the substitute on the table; which motion was lost.

Mr. Martin moved to amend the section by inserting after “greater distance,” the words “and the General Assembly shall enact laws prohibiting the same under proper penalties.”

On motion of Mr. Inzer, the amendment was laid upon the table.

The substitute offered by Mr. McClellan was then adopted—yeas 57, nays 37.

Those who voted yea are—


Those who voted nay are—

Messrs. Aiken, Bolling, Burgess, Burns, Callaway, Curtis, Davis, Delbridge, Flournoy, Foster of Hale, Gamble, Gordon, Gullet, Heflin, Hudson, Ingle, Laugdon, Laird, Lea of Dallas, Lewis, Lyon, Manasco, Martin, Meadows, Moren, Musgrove,
NeSmith, O'Bannon, Parks, Powell of Tuscaloosa, Pugh, Rails, Robinson, Samford, Smith, Sterrett and Taylor—37.

Mr. Langdon moved to amend the 23rd section by striking out "or hold or acquire lands, free-hold or lease-hold, directly or indirectly, except such as shall be necessary for carrying on its business;" which amendment was adopted.

Mr. Jones moved to strike out the whole section; which was lost.

Mr. Willett moved to strike out all after the word "canal;" which was adopted.

Mr. Rice moved to amend by striking out all of the first clause down to the words "nor shall such company."

On motion of Mr. Pickett, the amendment was laid on the table.

On motion of Mr. Hargrove, the vote refusing to strike out the section was reconsidered.

The 23rd section was then stricken out.

The special order, which was the further consideration of the report of the committee on judicial department, was then taken up.

Mr. Oates submitted the following substitute for section twenty-five:

A solicitor for each judicial circuit shall be elected by joint ballot of the General Assembly, who shall be learned in the law, and who shall, at the time of his election, and during his continuance in office, reside in the circuit for which he is chosen, and whose term of office shall be for six years; Provided, That the General Assembly, at its first session thereof, after the ratification of this constitution, shall, by joint ballot, elect a solicitor for each judicial circuit of the State, whose term of office shall begin on Tuesday after the first Monday in November, 1876, and continue for four years.

Mr. Rice offered the following amendment to the substitute:

Strike out the words "by joint ballot of the General Assembly," where they first occur, and insert "by the qualified electors of each circuit."

Mr. Willett moved to lay the amendment on the table; which motion was carried—yeas 58, nays 28.

Those who voted yea are—

Messrs. President, Aiken, Allgood, Bliss, Bolling, Brewer, Brown, Burgess, Burton, Callaway, Cobb, Coleman, Dickinson, Forwood, Foster of Barbour, Gamble, Garrett, Gibson, Gordon, Green of Conecuh, Hames, Hargrove, Harrison, Heflin, Herndon, Hudson, Johnson of Macon, Jones, Kelly, Lea of Dallas, Little, Long, Lyon, Manasco, Martin, Moren,
Murphree, Nisbett, Oates, O'Neal, Parks, Pickett, Pugh, Ralls, Rather, Richards, Robinson, Samford, Scott, Smith, Sterrett, Stone, Swan, Sykes, Torrey, White, Willett and Woolf—58.

Those who voted nay are—


Mr. Laird offered the following amendment: Strike out "six" and insert "three."

On motion of Mr. Brown, the amendment was laid on the table.

Mr. Rice offered the following amendment: Amend the proviso by striking out all of it down to and including the words "circuit of the State," and inserting the following: "Provided, the qualified electors of each circuit shall elect a solicitor for each judicial circuit as soon after the ratification of this constitution as may be prescribed by law."

On motion of Mr. Oates, the amendment was laid on the table.

Mr. Lewis moved to amend by adding: "Provided, That the term "learned in the law" shall be held to include those who, upon due examination by at least three attorneys in good standing as attorneys, and who shall have given satisfaction to said examiners of his knowledge of law and equity."

On motion of Mr. Cobb, the amendment was laid on the table.

Mr. Mudd moved to amend by adding: "And provided further, That the General Assembly may, when necessary, provide for the election or appointment of county solicitors."

Mr. Hargrove moved to lay the substitute and amendments on the table; which was lost.

The amendment offered by Mr. Mudd was then adopted.

The substitute for the 25th section, as amended was then adopted.

Mr. Oates from committee on judicial department, to which was recommitted section 25, submitted the following substitute for said section: There shall be elected by the qualified electors of each election precinct of the counties, not exceeding two justices of the peace and one constable; such justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed one hundred dollars,
except in cases of libel, slander, assault and battery and ejectment. In all cases tried before such justices, the right of appeal shall be secured by law, provided that the governor may appoint one notary public for each election precinct in counties, and one for each ward in cities of over five thousand inhabitants, whose jurisdiction and powers shall be the same as justices of the peace. The term of office of such notaries public shall be prescribed by law.

Mr. Herndon offered the following amendment: "Provided, that notaries public shall not have the power and jurisdiction of justices of the peace in towns and cities of over five thousand inhabitants;" which amendment was adopted.

Mr. Bliss moved to amend by adding: "Provided, the General Assembly may increase the jurisdiction of justices of the peace in civil cases to a sum not greater than three hundred dollars;" which amendment was lost.

Mr. Burns moved to amend by inserting after "appeal," the words "without prepayment of costs."

Mr. Richards moved to lay the amendment on the table, which was lost; the amendment was then adopted.

Mr. Rice offered the following amendment: Amend by inserting after the words "whose jurisdiction and power," in the proviso, the words "in their respective precincts or wards only;" which was adopted.

The substitute for the 26th section, as amended, was then adopted.

Mr. Oates from committee on judicial department to which was recommitted section 21, submitted the following substitute:

An attorney general shall be elected by the qualified electors of the State, at the same time and places of election of members of the General Assembly, and whose term of office shall be for two years, and until his successor is elected and qualified. After his election he shall reside at the seat of government, and shall be the law officer of the State, and shall perform such duties as are required of him by law.

The substitute was adopted.

Mr. Foster of Barbour, offered the following as an additional section, which was adopted:

Sec. —. To secure a fair and impartial trial to every party to a suit, civil or criminal, instituted in any court of record, a change of venue shall be allowed as matter of right, whenever it shall appear upon application and the evidence adduced to the court that a change of venue is necessary to obtain a fair and impartial trial.
The article was then referred to the committee on the order, consistency and harmony of the whole constitution.

The convention resumed the consideration of the article on corporations, the section under consideration being the 24th.

On motion of Mr. Little, the 24th section was stricken out. Mr. Hargrove moved to strike out the 25th section. Mr. Sanford moved to lay the motion on the table; which motion was lost.

The motion to strike out was lost.

Mr. Parks moved to reconsider the vote by which the convention refused to strike out 25th section; which motion was carried.

On motion of Mr. Little the section was then stricken out.

On motion of Mr. O’Neal the 26th section was stricken out.

Mr. Powell of Tuscaloosa moved to strike out the 27th section; which was lost.

Mr. Samford moved to amend by inserting after the word “discount,” the words “other than is sold to the public generally;” which was adopted.

Mr. Oates moved to amend by striking out “or of the United States.” which was adopted.

Mr. Burns moved to amend by striking out the words “the same,” and insert the word “tickets;” which was lost.

Mr. Powell of Tuscaloosa moved to strike out “or other persons;” which was lost.

Mr. Burns moved to amend by striking out “any member of the General Assembly;” which was lost.

The section as amended was then adopted—yeas 59, nays 31.

Those who voted aye are—


Those who voted nay are—

Messrs. President, Akers, Allgood, Bolling, Booth, Brewer, Callaway, Carson, Cobb, Curtis, Dickinson, Forwood, Gamble, Gilbreath, Gulett, Harrison, Johnson of Hale, Jones,
Lea of Baldwin, Lewis, McClellan, Meadows, Musgrove, Pickett, Plowman Powell of Bullock, Powell of Tuscaloosa, Rice, Richards, Sterrett, and Taylor—31.

The 28th section was adopted.

Mr. Rice moved to amend the 29th section by inserting at the end of the second line, the words—"other than in execution of a trust created by law or by contract;" which was adopted.

Mr. Willett moved to amend by striking out the word "article," and substituting "constitution;" which was lost.

The 29th section was then adopted.

Mr. Aiken offered an additional section as follows: "Every rail road corporation organized under the general corporation laws of this State, shall file in the office of Secretary of State from time to time as may be required by law, a complete transcript, under their corporate seal, of their organizations, and the proceedings of their board of directors, and such transcripts shall be public record."

On motion of Mr. Little the proposed additional section was laid on the table.

The 30th section was adopted.

The article was then referred to the committee on the order, consistency and harmony of the whole constitution.

On motion of Mr. Davis the Convention adjourned until 4 p. m.

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EVENING SESSION.

The Convention re-assembled at the designated hour.

Mr. Powell of Tuscaloosa offered the following, which was adopted:

Resolved, That the committee on the order, consistency and harmony of the whole constitution, be authorized to order the printing of 100 copies of their report before making the same to the Convention.

On motion of Mr. Little the Convention proceeded to the consideration of the article submitted by the committee on education.

On motion of Mr. Langdon the consideration of the article was made the special order for to-morrow.

On motion of Mr. Samford the Convention proceeded to the consideration of the article on exemptions.

REPORT FROM THE COMMITTEE ON EXEMPTIONS.

Mr. President:

The committee on exemptions, to which was referred the
fourteenth article of the constitution, and many and various propositions relating to that subject, have had the same under consideration, and instruct me to report back the article in question without amendment, together with an additional section allowing persons to waive exemptions by an instrument in writing, and recommend the adoption of the whole as article — in the revised and amended constitution.

In view of the great and general diversity of opinion on this subject throughout the State, the committee have thought it prudent and necessary to abstain from any action that might tend to create a dividing issue among our people on the contest for ratification. Our duty, in the premises and under the circumstances, seemed obvious and conclusive.

In our opinion, the matter of exemptions does not properly belong to the articles of organic law, nor should they have been originally incorporated into the constitution. Provisional, personal, and temporary in their nature, they pertain rather to the policy than the principles of government, and should be regulated by the legislature, at the time and under the circumstances, controlled by the immediate necessities and interests of the people. But inasmuch as exemptions have been fixed in the constitution, and made, in a great degree, the basis of the business of the community, we hold it highly inexpedient, at this time, to disturb them.

The additional section, submitted by the committee, allowing parties at their option to waive exemptions, will tend to remove, without the expense and inconvenience of a mortgage, the restrictions which exemptions necessarily place on individual credit.

Wm. M. Lowe, Ch'n.

ARTICLE —

Sec. 1. The personal property of any resident of this State to the value of $1,000, to be selected by such resident, shall be exempted from sale on execution, or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution.

Sec. 2. Every homestead, not exceeding eighty acres of land and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any town, city or village, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempt from sale on execution or any other final process from a court,
from any debt contracted after the adoption of this constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife of the same.

Sec. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this constitution, in all cases, during the minority of the children.

Sec. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer’s lien for work done and performed for the person claiming such exemption, or a mechanic’s lien for work done on the premises.

Sec. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall inure to her benefit.

Sec. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her the same as if she were a femme sole.

Sec. 7. The right of exemptions hereinbefore secured, may be waived by an instrument in writing, signed by the head of the family, and if such head of the family is a married man, then said instrument, when seeking to waive exemptions as to realty, must be signed by both husband and wife.

Mr. Gamble moved to amend the first section by inserting after the words “value of” and before the words “one thousand,” the words “not to exceed.”

On motion of Mr. McClellan, the amendment was laid on the table.

Mr. Pugh moved to amend, after the word “contracted,” by striking out “after the adoption of this constitution,” and substituting “since the adoption of the constitution of 1867,” which amendment was adopted.

Mr. Hefflin moved to amend by striking out the word “final,” which was adopted.

Mr. Aiken moved to amend by adding “and after the adoption of this constitution,” which was lost.

Mr. Ralls moved to strike out “one thousand” and insert “five hundred.”
On motion of Mr. Moren, the amendment was laid on the table.

Mr. Knox moved to amend by striking out the first line, and all of the second line down to and including the word "resident," and insert the following: "Property, real or personal, of every head of a family of this State, to the value of three thousand, and of every adult, not the head of a family, to the value of one thousand dollars, to be selected in every case by the person entitled to the exemption."

On motion of Mr. Hudson, the amendment was laid on the table.

Mr. Mudd moved to amend by striking out the words "any resident" and substituting "every family," and by striking out the word "resident" and substituting "family."

On motion of Mr. Little, the amendment was laid on the table.

Mr. Cobb moved to strike out the word "resident," and substitute "citizen."

On motion of Mr. Brown, the amendment was laid on the table.

Mr. Laird moved to amend by inserting after the words "any resident" the words "citizen, head of a family."

On motion of Mr. Inzer, the amendment was laid on the table.

Mr. Samford moved to amend by adding the following: "the property of every family of this State to the value of three thousand dollars, to be selected by the head of such family.

On motion of Mr. Manasco, the amendment was laid on the table.

Mr. Powell of Bullock, offered the following substitute: "Property, of any kind, not exceeding in value the sum of one thousand dollars, may be selected and set apart by any resident of this State, who is the owner thereof, and who is not the head of a family, and such property shall be exempt from sale, on any legal process issued for the collection of any debt contracted since the adoption of this constitution, but this exemption may be waived by any legal agreement in writing."

Pending consideration of the substitute, on motion of Mr. Smith, the convention adjourned until 10 o'clock to-morrow.
TWENTY-FIRST DAY.

WEDNESDAY, September 29, 1875.

The Convention met pursuant to adjournment. Prayer by Rev. Dr. Andrews, of this city. On motion of Mr. Allgood, the reading of the journal was dispensed with.

Mr. Herndon moved to reconsider the vote by which the amendment offered by him on yesterday to section twenty-six of the article on the judicial department was adopted, which motion was carried.

Mr. Herndon then withdrew his amendment and the section was adopted.

The convention resumed the consideration of the article submitted by the committee on exemptions, the question under consideration being the substitute offered by Mr. Powell of Bullock, on yesterday, for the first section.

On motion of Mr. Inzer, the substitute was laid on the table.

On motion of Mr. Gamble, the vote to consider the report section by section, was reconsidered.

The hour for the special order—the report of the committee on education.

On motion of Mr. O'Neal, the consideration of the report was temporarily suspended and the consideration of the article on exemptions was resumed.

Mr. Martin offered a substitute for the article in the shape of propositions, to be submitted to a separate vote of the people at the same time the constitution is voted on.

First proposition is article fourteen, as it stands in the present constitution.

Second proposition, is as follows:

There shall be $500 worth of personal property and $750 worth of real estate, to be selected by the owner thereof, and ascertained as may hereafter be provided by law, which property shall be exempt from sale or execution, or other final process of any court issued for the collection of any debt contracted after the adoption of this constitution. But such exemption, however, shall not extend to any mortgage heretofore or hereafter lawfully obtained.

The ballots shall be in the following form:

For first proposition on exempted property.

For second proposition on exempted property.

If a majority of the lawful votes cast at said election be for first proposition on exempted property, that clause shall be inserted in the constitution of Alabama.
If a majority of the lawful votes cast be for second proposition on exempted property, that clause shall be the clause in the constitution on exempted property.

And the election on this question shall determine what shall be the constitutional provisions in Alabama on exempted property, without reference to the number of votes cast for or against the new constitution. And it is hereby distinctly declared, that the article on exempted property, as adopted under this proposition, shall form part of the new constitution, if a new constitution is adopted, or be a part of the old constitution if the new constitution is rejected.

On motion of Mr. Manasco, the substitute was laid on the table.

Mr. Powell of Tuscaloosa, offered the following article, to be submitted for ratification with the constitution:

It shall be the duty of the General Assembly, from time to time, to pass, such laws exempting property from sale under execution or other legal process for the collection of money, as the necessities of the people may require; Provided, That no change in the laws enacted under the provisions of this article shall in any way affect or change the rights of parties under any contract existing at the time of such changes, but the law regulating exemptions before such change shall remain in force as to all such contracts.

On motion of Mr. Inzer, the substitute was laid upon the table.

Mr. McClellan offered the following substitute for the seventh section:

There shall be no exemption of property from sale under execution or other legal process to or between the principal and sureties on any bond or recognizance given, after the ratification of this constitution, in due course of law, to avoid imprisonment or confinement in any jail in this State.

On motion of Mr. Coleman, the substitute was laid on the table—yeas 60, nays 83.

Those who voted yea are—


Those who voted nay are—

Mr. Pugh moved to amend the second section, by striking out the words "after the adoption of this constitution," and inserting the words "since the adoption of the constitution of 1867;" which was adopted.

Also, amend the third section by making the same change; which was adopted.

Also, to amend the fifth section by striking out the words "the same" and substituting "such homestead;" which was adopted.

On motion of Mr. Rather, the word "final" in the first section was stricken out.

Mr. Samford moved to amend the seventh section by striking out "when seeking to waive exemptions as to realty" and by adding to the end of the section "and attested by two witnesses;" which was lost.

Mr. Pugh offered the following substitute for the seventh section:

The right of exemptions hereinbefore secured may be waived by an instrument in writing, and when such waiver relates to realty and signed by the head of the family, the instrument must be signed by both the husband and wife, and attested by one witness.

Mr. Bliss offered the following amendment to the substitute:

Provided, That the exemption shall not in any case be reduced to a less sum or value than five hundred dollars left to the debtor or his family.

On motion of Mr. Pickett, the amendment to the substitute was laid on the table.

Mr. Pickett moved to table the substitute offered by Mr. Pugh, which motion was lost.

Mr. Inzer moved to amend the seventh section, by adding after the word "realty" the words "and household and kitchen furniture."

On motion of Mr. White, the amendment was laid on the table.

Mr. Hargrove moved to amend the substitute offered by Mr. Pugh, by striking out the words "one witness" and substituting "one justice of the peace."

On motion of Mr. Mudd, the amendment was laid on the table.
Mr. Harrison moved to amend the section by providing that in the waiving of exemptions, the instrument shall be signed as is provided by law for signing mortgages.

On motion of Mr. Prince, the amendment was laid on the table.

Mr. Powell of Tuscaloosa, offered the following: "Provided, no waiver shall reduce the exemption to a less sum than two hundred dollar's worth of personal property and a homestead not to exceed in value $500."

On motion of Mr. Parks, the amendment was laid on the table.

Mr. Rice offered the following amendment to the section: Provided, however, that the homestead above mentioned as exempt, not exceeding in value five hundred dollars, may be selected and kept for the use of the family notwithstanding any waiver, or mortgage, or lien, given or made after the adoption of this constitution.

On motion of Mr. Prince, the amendment was laid on the table.

Mr. Pugh's substitute for the seventh section was adopted. Mr. Meadows offered a substitute for all except the seventh section.

On motion of Mr. Oates, the substitute was laid on the table.

Mr. Pugh's substitute for the seventh section was adopted. Mr. Gordon offered a substitute, as follows:

Sec. 1. Exempt $3,000 of property to every resident, which he or she may select; this section to apply to debts, obligations and liabilities of every kind in existence, as well as those that may arise; but shall not extend to any mortgage lawfully obtained; but if the mortgagor is a married man, must get the wife's signature. Owner of such property may waive the right of exemption, and if a married man, to be joined in by his wife.

Sec. 2. That after death of owner said exempt property shall be exempt during minority of children—if any—if a widow and no children, it shall be exempt to the widow with its rents and profits.

Sec. 3. That sections one and two shall not prevent a laborer's or mechanic's lien.

Sec. 4. That all property of female acquired before marriage, and all that she may afterwards acquire, shall remain her separate estate and property, free from liability for her husband's debts, and to be disposed of by her as if she were unmarried.
On motion of Mr. Flournoy, the substitute was laid on the table.

Mr. Laird offered the following as a substitute for the whole section:

There shall be exempted from sale under execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this constitution, for the use and benefit of every family in this State, of real and personal property the value of not less than $1,000 nor more than $3,000, as may be prescribed by law, the property to be selected for such purpose by the head of such family, and the value thereof to be ascertained by the head of the family and two disinterested persons, to be selected by the sheriff or other officer making the levy or offering to sell the property, who shall be sworn to make the valuation fairly; Provided, That the General Assembly shall not have power to enlarge or diminish the provisions of this section.

On motion of Mr. Gamble, the substitute was laid on the table.

Mr. Torrey offered the following amendment as an additional section:

The exemptions named in this article shall not apply to injuries done to lands, goods, the person or reputation, or to costs hereafter adjudged or imposed by any court or magistrate.

On motion of Mr. Foster of Barbour, it was laid on the table.

Mr. Richards moved the previous question, which was sustained, and the question being on the adoption of the article as amended, it was adopted—yeas 64, nays 28.

Those who voted yea are—


Those who voted nay are—

Messrs. Akers, Brown, Burns, Burton, Carson, Cobb, Curtis, Davis, Foster of Hale, Garrett, Gilbreath, Gordon, Gullett, Hargrove, Harrison, Knox, Livingston, Martin, McClellan,
Meadows, Moren, Musgrove, NeSmith, Plowman, Rice, Smith and White—28.

Mr. Pugh moved to reconsider the vote by which the article was adopted, and to lay that motion on the table; which latter was carried.

The article was referred to the committee on the order, harmony and consistency of the whole constitution.

On motion of Mr. Little, the convention proceeded to the consideration of

THE ARTICLE ON EDUCATION.

Section one was read, as follows:

The General Assembly shall establish, organize and maintain a system of public schools throughout the State for the equal benefit of the children thereof, between the ages of seven and twenty-one years; but separate schools shall be provided for the children of citizens of African descent.

Mr. Davis moved to strike out seven and insert six. Lost. 
Mr. Garrett moved to strike out twenty-one and insert eighteen. Lost.

Mr. Rice offered the following amendment: "And the school fund as declared and ascertained by the constitution and laws now existing shall not be reduced."

On motion of Mr. Oates, the amendment was tabled.

The section was then adopted.

Section two was read, as follows:

The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may be granted or entrusted to this State by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

Mr. Livingston moved to amend by inserting after the word "purposes" the words "of the swamp lands."

Mr. O'Neal, Chairman, stated that the swamp lands had already been disposed of for the benefit of the Insane Asylum, and, on his motion, the amendment was tabled.

Mr. Rice offered the following: "The principal of all funds, arising from the sale or other disposition of lands or other property, which have been or may hereafter be granted or entrusted to this State by the United States for educational purposes, and, also, the lands known as the swamp lands, unsold, shall be preserved inviolate and undiminished for educational purposes."

On motion of Mr. O'Neal, the amendment was tabled.
Mr. Laird moved to amend by adding after the word "State," "or given by the United States;" which was adopted. The second section was then adopted.

Section three was read as follows:

All lands or other property given by individuals or appropriated by the State for educational purposes, and all estates of deceased persons, who die without leaving a will or heir, and all moneys which may be paid as an equivalent for exemption from military duty, shall be faithfully applied to the maintenance of the public schools.

Mr. Rather moved to strike out all after the word "heir," to and including the word "duty;" which was adopted.

Section three was adopted.

The fourth section was read:

The General Assembly shall, also, provide for the levying of an annual poll tax, not to exceed one 50-100 dollars on each poll, which shall be applied to the support of the public schools in the counties in which it is collected.

Mr. Sterrett moved to add the words "between 21 and 45" after the word "poll."

On motion of Mr. Hargrove, the amendment was tabled.

Mr. Aiken moved to add the words "and collection" after the word "levying;" which was adopted.

The fourth section was then adopted.

Section five was read:

The income arising from the sixteenth section trust fund, the surplus revenue fund, and the funds enumerated in sections three and four of this article, with such other moneys, to be not less than one hundred thousand dollars per annum, as the General Assembly shall provide by taxation or otherwise, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the General Assembly to increase, from time to time, the public school fund, as the condition of the treasury and the resources of the State will admit.

Mr. Knox offered an amendment by striking out from and including the words "with such" down to and including the word "otherwise," and insert "together with one-fifth of the aggregate annual revenue of the State."

On motion of Mr. O'Neal, the amendment was tabled.

Mr. Lyon moved to strike out "surplus revenue" in the first line.

Mr. Bliss offered to amend by adding to the end of the first line the words "so long as it shall remain on deposit with the State."
On motion of Mr. Foster of Barbour, the convention took a recess until 4 o'clock, p. m.

AFTERNOON SESSION.

The Convention re-assembled at the designated hour.
The consideration of the Article on Education was resumed.

Mr. Rice moved to amend the fifth section by inserting after "revenue fund" the words "until it is called for by the United States Government;" which was adopted.

Mr. Lyon moved to amend by striking out "the surplus revenue fund until called for by the Government of the United States;" which was lost.

Mr. Samford moved to amend by inserting after the words "United States," the words "not to be less than eight per cent. of said fund per annum."

On motion of Mr. Heffin, the amendment was tabled.

Mr. Livingston offered to amend by inserting after the word "fund" where it first occurs "the amount due by the State to the public school fund."

Mr. Willett moved the previous question; which was sustained, and the section, as amended, was then adopted.

Section six was read as follows:
Not more than four per cent. of all moneys raised, or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools.

Mr. Livingston moved to strike out the section.

On motion of Mr. Smith, the motion was tabled.

Mr. Davis moved to amend by striking out four and inserting five per cent.

On motion of Mr. Brown, the amendment was tabled.

Mr. Hargrove moved to amend by adding to the section: "Provided, That the General Assembly may, by a vote of two-thirds of each house, suspend the operations of this section;" which was adopted.

The section, as amended, was then adopted.

Section seven was read as follows:
The supervision of the public schools shall be vested in a Superintendent of Public Instruction, whose powers, duties, term of office and compensation, shall be fixed by law. The Superintendent of Public Instruction shall be elected by the
qualified voters of the State, in such manner and at such

time, as shall be provided by law.

Mr. Meadows offered the following as a substitute for the

section:

The General Assembly shall have power to require the
Auditor of the State to perform all the duties required of the
State Superintendent of Public Schools, and, also, require
county treasurers to disburse the moneys belonging to their
respective counties, upon orders of trustees of the several dis-

tricts, and to forward an account of the same to the Auditor.

On motion of Mr. Hargrove, the substitute was tabled.

Mr. Burns moved to amend by striking out the words “as
shall be provided by law,” and insert “other State officers.”

On motion of Mr. O’Neal, the amendment was laid on the

table.

The section was then adopted.

The eighth section was read as follows:

No money raised for the support of the public schools of
this State shall be appropriated to, or used for the support of
any sectarian school.

Mr. Bliss offered to amend by adding after the word “sec-
tarian,” the words “or denominational;” which was adopted,
and the section, as amended, was adopted.

Section nine was read as follows:

The State University, and the Agricultural and Mechanical
College, shall, each, be under the management and control of
a Board of Trustees. The Board for the University shall
consist of two members from the congressional district in
which the University is located, and one from each of the
other congressional districts in the State. The Board for the
Agricultural and Mechanical College shall consist of two
members from the congressional district in which the college
is located, and one from each of the other congressional dis-

tricts in the State. Said trustees shall be appointed by the
Governor, by and with the advice and consent of the Senate,
and shall hold office for a term of six years, and until their
successors shall be appointed and qualified. After the first
appointment each board shall be divided into three classes of
three each. The seats of the first class shall be vacated at
the expiration of two years and those of the second class in
four years from the date of appointment, so that one-third
may be chosen biennially. No trustee shall receive any pay
or emolument other than his actual expenses incurred in the
discharge of his duties as such. The Governor shall be ex
officio President of each of said boards of trustees.

Mr. Little moved to strike out the section.
On motion of Mr. Samford, the motion to strike out was laid on the table.

Mr. O'Neal moved to amend by making the Superintendent of Public Instruction a member *ex officio* of each of the boards of trustees; which was adopted.

Mr. Livingston moved to amend by striking out the sentence next to the last, and inserting "the General Assembly shall provide for the pay of said trustees."

Mr. O'Neal moved to lay the amendment on the table; which was carried.

Mr. Foster of Hale, moved to amend by striking out all after the word "State" in the sixth line, to the word "such" in the thirteenth line.

The amendment was laid on the table.

Mr. Hargrove moved to amend by adding "In the event of the consolidation of the University and the Agricultural and Mechanical College, there shall be but one Board of Trustees."

On motion of Mr. Hefflin, the amendment was laid on the table.

Mr. Willett moved to amend by striking out the words "appointed by the Governor," &c., and insert "elected by the General Assembly."

On motion of Mr. Scott, the amendment was laid on the table.

Mr. Foster of Hale, moved to amend by striking out "appointed by the Governor," &c., and insert "elected by the people of the several districts at the same time the Governor is elected."

On motion of Mr. Scott, it was tabled.

Mr. Hargrove moved to amend by adding the words "as nearly equal as possible" after the words "into three classes of three each;" which was lost.

Mr. Hefflin moved the previous question, which was sustained, and the section, as amended, was adopted.

Section ten was read, as follows:

The General Assembly shall have no power to change the location of the State University or the Agricultural and Mechanical College as now established by law.

Mr. Inzer moved to strike out the section.

Mr. Samford moved to table the motion, which was lost.

Mr. Harrison moved to add to end of the section "except upon a vote of two-thirds of the members of the General Assembly, taken by yeas and nays, and entered upon the journals."

Mr. Oates moved to table the amendment, which was lost.

The amendment was adopted.
The motion of Mr. Inzer to strike out was lost, and the section, as amended, was adopted.

Mr. Langdon offered an additional section to article on education, as follows:

Sec. — The provisions of this article, and of any act of the General Assembly passed in pursuance thereof, to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portion of the funds to which said county will be entitled for school purposes, and to make reports to the superintendent of public instruction as may be provided by law. And all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county, shall remain undisturbed.

Pending consideration the Convention adjourned until 10 o'clock to-morrow morning.

TWENTY-SECOND DAY.

THURSDAY, September 30, 1875.

The Convention met pursuant to adjournment.

Prayer by Rev. Mr. Allgood, of the Convention.

On motion of Mr. Sykes, the reading of the Journal was dispensed with.

Mr. Garrett introduced a resolution providing that the Secretary shall prepare, as early as possible, for the publication of the journal; which was referred to the committee on the harmony of the constitution.

The convention resumed the consideration of the additional section to the article on education offered by Mr. Langdon on yesterday.

Mr. Herndon offered the following amendment to the additional section: Provided, that separate schools for each race shall always be maintained by said Mobile school authorities.

Mr. NeSmith moved to further amend by providing that any regular license, as license tax or other tax which is paid into the State treasury by other counties, may be changed by the General Assembly.

Mr. Hargrove moved to amend the additional section, by striking out the words "as now authorized" and inserting in lieu thereof "as now vested in the city and county of Mobile."
On motion of Mr. Langdon, the further consideration of the additional section was postponed one hour.

Mr. Samford moved to reconsider the vote by which the convention adopted the sixth section of the article on education.

Mr. Aiken moved to lay the motion to reconsider on the table, which motion was lost.

The question recurring on the motion to reconsider, it was lost.

The convention resumed consideration of the additional section, as amended, offered by Mr. Langdon.

Mr. NeSmith withdrew his amendment and offered the following: Amend by inserting after "undisturbed" the words "until otherwise provided by the General Assembly," which was adopted.

Mr. Oates, by request, offered the following amendment:
Provided, That the court of county commissioners of each county, except the county of Mobile, may levy annually a special tax upon the real and personal property within the county, not exceed 10 cents on the $100 of valuation, for the support of the public schools therein, and in purchasing libraries and apparatus for such schools.

On motion of Mr. Martin, the amendment was laid on the table.

Mr. Harrison moved to amend by striking out "all special incomes and power" and inserting "the power," which was lost.

The additional section, as amended, was then adopted, and the article referred to the committee on the order, consistency and harmony of the whole constitution.

Mr. Foster of Barbour, called up the report of the committee on amendments to the constitution. It was read, as follows:

ARTICLE —.

MODE OF AMENDING THE CONSTITUTION.

Sec. 1. The General Assembly may, whenever two-thirds of each house shall deem it necessary, propose amendments to this constitution, which, having been read three times on three successive days, shall be duly published, in such manner as the General Assembly may direct, at least three months before the next general election for representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next general election which shall be held for representatives, to open a poll for the vote of the qualified electors on the proposed amendments, and to
make a return of said vote to the Secretary of State; and if it shall thereupon appear that a majority of all the qualified electors of the State, who voted for representatives, voted in favor of the proposed amendments, said amendments shall be valid to all intents and purposes as parts of this constitution, and the result of such election shall be made known by proclamation of the Governor.

Sec. 2. No convention shall hereafter be held for the purpose of altering or amending the constitution of this State, unless the question of convention or no convention shall be first submitted to a vote of all the electors twenty-one years of age and upwards, and approved by a majority of electors voting at said election.

Mr. Aiken moved to amend the first section by striking out the words "two-thirds of" and insert "a majority of all the members elected to each house," and by striking out all after and including "said" in the ninth line, and inserting "a majority of all the members elected to each house of the next General Assembly before another election shall ratify said amendment, each house voting by yeas and nays, said amendments shall be valid to all intents and purposes as parts of the constitution; Provided, That said proposed amendments shall be read three several times on three several days in each house."

On motion of Mr. Moren, it was laid on the table.

Mr. Burns moved to strike out "vote" in the eighth line "for representative," and insert "at said election;" which was adopted.

Mr. Pickett moved to amend section one, so as to require the amendment to be read "on three several days in each house," which was adopted.

Mr. Little moved to amend by striking out "three months" publication and require thirty days.

Mr. Richards moved to lay it on the table; carried.

Mr. Flournoy moved to reconsider the vote tabling Mr. Aiken's amendment.

On motion of Mr. Richards, it was tabled.

Section one, as amended, was adopted.

Section two was then adopted, and the article referred to the committee on the order, consistency and harmony of the whole constitution.

Mr. Cobb moved to take up the following articles:

MISCELLANEOUS PROVISIONS.

1. No person holding an office of profit under the United
States, shall, during his continuance in such office, hold any office of profit under this State.

2. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and it shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State, and all acts or parts of acts heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby avoided.

Mr. Moren offered the following amendment to the first section: "Nor shall any one man hold two offices of profit or honor at one and the same time in this State." Adopted.

The section was then so amended as to except postmasters with salaries of $200. justices of the peace, notaries public and commissioner of deeds.

The second section was stricken out.

Mr. Rice offered the following as an additional section:
"No law, touching the right of any qualified elector to vote at any election in this State, shall be enforced, which requires of any qualified elector, in any part of this State, anything that is not legally required of every other qualified elector in every part of the State, to entitle such elector to vote at any election in this State." Tabled.

Mr. Oates offered the following section to be put in the Article on Miscellaneous Provisions.

It shall be the duty of the General Assembly, at the first session thereof, after the ratification of this constitution, to provide by law for the transfer and assignment of all mortgages and liens, now held by the State as a security or indemnity against loss on account of the endorsement by the State of the bonds of railroad companies to the holders of such bonds; and the acceptance of such mortgages and liens, by the holders of such endorsed bonds transferred and assigned as aforesaid, shall be a full and complete release of the State from all liability of such bonds, and the General Assembly shall not have power to pass any law making any provision by taxation or appropriation from the State Treasury for the payment of either interest or principal of the bonds of any railroad company, which have been endorsed by the State.

Mr. Luber moved to indefinitely postpone its further consideration; which was carried.

Mr. Burns offered the following as section two:
"The General Assembly shall enact laws for the purpose of effectually enforcing the lien of agricultural, mechanical and
railroad employes, upon the products of their manual labor.'"

On motion of Mr. Cobb, it was laid on the table.

The article was referred to the committee on the order, harmony and consistency of the whole constitution.

Mr. Knox offered the following resolution:

That the General Assembly shall not have power to pass any law upon the subject of duelling—and all laws now in force on this subject are avoided.

His motion, to refer to committee on the order, harmony and consistency of the whole constitution, was lost.

The Convention adjourned to 3 p. m.

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**AFTERNOON SESSION.**

The Convention assembled at the designated hour.

The report of the committee on contest of J. S. Simpson, for seat occupied by Charles Gibson, was taken up.

Mr. Rice moved to table the report in Mr. Gibson's favor; which motion was lost.

The report of the committee was concurred in.

Mr. Oates moved to reconsider the vote adopting the 27th section of article on corporations; carried.

Mr. Oates moved to add to the section "or the United States;" adopted.

The section, as amended by Mr. Oates, was adopted.

Mr. Pugh, from the committee on the order, consistency and harmony of the whole constitution, reported the declaration of rights.

Mr. President:

The committee on the order, consistency and harmony of the whole constitution, to which was referred the declaration of rights, have had the same under consideration, and have instructed me to make the following report:

The committee recommend the adoption of the following substitute for the preamble:

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure to ourselves and to our posterity life, liberty and property, profoundly grateful to Almighty God for this inestimable right, and invoking His favor and guidance, do ordain and establish the following constitution and form of government for the State of Alabama:
Strike out "or information" where they occur in the seventh section, immediately after indictment.

Strike out the words "land and naval service, or in the militia," where they occur in the ninth section, and insert in lieu thereof the words "militia and volunteer forces."

Insert after the word "cause," in the eleventh section, the words "or proceedings."

Strike out "the General Assembly," in 25th section, and insert "law."

Strike out section 31 and insert, in lieu thereof, the following: "That immigration shall be encouraged, emigration shall not be prohibited, and no citizen shall be exiled."

Strike out section 38 and insert, in lieu thereof, the following: "No educational or property qualification, for suffrage or office, nor any restraint upon the same on account of race, color or previous condition of servitude, shall be made by law."

The report was adopted.

Also, reported back the articles on distribution of powers, and State and county boundaries.

Report adopted.

On motion of Mr. Davis, the Convention adjourned until 9 o'clock to-morrow morning.

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TWENTY-THIRD DAY.

Friday, October 1, 1875.

The Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Richards of the Convention.

Reading of the journal was dispensed with.

The President announced as the committee on the address to the people, Messrs. Lyon, Pugh, Pickett, Stone, Langdon, Moren, Foster of Barbour, Cobb, Rather, Little, Gamble, and Lea of Dallas.

Mr. McClellan offered, as an additional article: "The General Assembly shall forever foster and encourage the agricultural and mechanical interests of the State." Referred to committee on the order, harmony and consistency of the whole constitution.

Mr. Pugh, from committee on the order, consistency and harmony of the whole constitution, made a report on the legislative department. It strikes out section fifty, in relation to duelling, as power has been granted the Legislature to prepare laws on the subject.
Also, strikes out section fifty-eight, and puts it at the end of the constitution.

On the executive department, it adds to the first section “superintendent of education.”

Section twenty-three adds “superintendent of education” to the list of officers to be elected.

On exempted property it changes the first section, and exempts after “13th day of July, 1868,” instead of “since adoption of the constitution of 1867,” as in the original section.

On finance and taxation it strikes out in the fourth section, “Provided, That after the ratification of this constitution a greater rate of taxation than one-half of one per centum shall not be levied by the General Assembly.”

In section eight it changes “superintendent of public instruction” to “superintendent of education;” all of which were concurred in.

The Convention adjourned until 3 ½ p. m.

AFTERNOON SESSION.

The Convention met at 4 p. m.

Mr. Pugh, from the committee on the order, harmony and consistency of the whole constitution, made reports, with verbal amendments, on the remaining articles; all of which were concurred in.

The Convention then adopted the constitution as a whole.

The following schedule was, also, reported by the committee:

SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this constitution to the existing constitution of this State, and to carry this constitution into effect, it is hereby ordained and declared:

1. That all laws in force at the ratification of this constitution, and not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of this State, counties, individuals or bodies corporate, not inconsistent with this constitution, shall continue to be as valid as if this constitution had not been ratified.

2. That all bonds executed by or to any officer of this State, all recognizances, obligations, and all other instruments executed to this State, or any subdivision or municipality thereof,
before the ratification of this constitution, and all fines, taxes, penalties and forfeitures due and owing to this State, or any subdivision, or to any municipality thereof; and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this constitution. All indictments which may have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this constitution, shall be proceeded upon in the same manner as if this constitution had not been ratified.

3. That all the executive and judicial officers, and all other officers in this State, who shall have been elected at the election held in this State on the third day of November, 1874, or who may have been appointed since that time, and all members of the present General Assembly, and all that may be hereafter elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this constitution, except such as hold office under any act of the General Assembly, shall continue in office and exercise the duties thereof until their respective terms shall expire as provided by the present constitution and laws of this State.

4. This constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State entitled, "An act to provide for the calling of a convention to revise and amend the constitution of this State, A. D. 1875.

5. If at said election the said constitution shall be found to have been ratified by a majority of all the qualified electors voting at said election, the said new constitution of the State of Alabama, within the time stated in the proclamation of the Governor, and shall thereafter be binding and obligatory as such upon all the people of this State, according to the provisions of said act, approved nineteenth day of March, A. D. 1875.

6. That instead of the publication as required by section twelve of said act, the Governor of the State is hereby authorized to take such steps as will give general publicity and circulation to this constitution in as economical manner as practicable.

7. That all laws requiring an enumeration of the inhabitants of this State during the year 1875, are hereby avoided.

8. That the Board of Education of this State is hereby abolished.

9. The salaries of the executive and judicial officers of this State who may be holding office at the time of the ratification
of this constitution, and the pay of the present members of
the General Assembly, shall not be affected by the provisions
of this constitution.

Mr. Rice offered the following amendment:
Nothing contained in this constitution shall be construed
to repeal, impair or affect any statutory provision now exist-
ing for the benefit of any fire company or firemen's organiza-
tion.

Pending consideration of the schedule, the convention ad-
journed until 9 o'clock to-morrow.

TWENTY-FOURTH DAY.

SATURDAY, October 2, 1875.

The Convention met pursuant to adjournment.
Prayer by Rev. Mr. White, of the Convention.
Reading of the journal was dispensed with.
Mr. Garrett offered the following resolution:
Resolved, That this convention has, by its action, endeav-
ored to secure the greatest good to the greatest number of
the people of the State of Alabama, without regard to class
or condition, and to them the results of its labors is now con-
fidently submitted for ratification.

On a call of the yeas and nays, the resolution of Mr. Garrett
was adopted—yeas 81, nays 6.

Those who voted yea are—
Messrs. President, Aiken, Akers, Allgood, Battle Bliss,
Bolling, Brewer, Booth, Burgess Burns, Burton, Cobb, Cole-
man, Davis, Delbridge, Dickinson, Flournoy, Forwood, Fos-
ter of Barbour, Gamble, Garrett, Gilbreath, Gordon, Green of
Choctaw, Green of Conecuh, Gullett, Hames, Hargrove,
Harrison, Hefflin, Herndon, Hudson, Ingle, Inzer, Johnston of
Macon, Jones, Kelly, Langdon, Laird, Lea of Baldwin, Lea
of Dallas, Little, Livingston, Long, Lowe, Lyon, Manasco,
Martin, Meadows, Moree, Murphree, Musgrove, NeSmith,
Nisbitt, Norwood, Oates, O'Bannon, O'Neal, Parks, Pickett,
Plowman, Powell of Bullock, Powell of Tuscaloosa, Prince,
Pugh, Rather, Richards, Robinson, Samford, Scott, Smith,
Sterrett, Stone, Swan, Taylor, Torrey, Weathers, White,
Willet and Woolf—81.

Those who voted nay are—
The following, who would have voted for the resolution, viz:
Messrs. Brown, Callaway, Gibson, McClellan, Mudd, Nowlin,
Ralls and Sykes, were absent.
Messrs. Foster of Hale, and Johnston of Hale, did not vote, and Messrs. McDuffie of Lowndes and Ratcliffe of Wilcox, never took their seats in the convention.

Mr. Stone offered the following resolutions:

Resolved, That the thanks of this convention are due and hereby tendered to the Hon. L. P. Walker for the able, dignified and impartial manner in which he has discharged his duties as President of this convention.

Resolved further, That the thanks of this convention are due to the Secretary and Assistant Secretary, and Enrolling Clerk, and the other subordinate officers of the convention, for the prompt, courteous and efficient manner in which they have discharged their respective duties.

The resolutions were unanimously adopted.

Mr. Rice's amendment to the schedule, pending at the hour of adjournment yesterday, was, on motion of Mr. Hefflin, laid on the table.

Mr. White offered to amend section nine, so as to provide that nothing in this constitution shall be so construed as to prevent any of said officers from receiving pay, as now allowed by law, during their present term.

The committee proposed to insert in section nine the words "and all other officers" after the word "judicial," whereupon Mr. White, with leave, withdrew his resolutions.

Mr. Rice offered the following amendment:

That a full and fair expression of the will of the people may be had upon each article of the new constitution, each voter shall have, upon the submission provided for in paragraph four of this schedule, the right to vote separately for or against each article, to be on one ticket, as follows: for "Article 1 new constitution, yes," or for "Article 1 new constitution, no," as the elector may desire to vote; and so on through the entire constitution for or against each article by number, as the elector may desire; and if at said election the entire new constitution is not ratified by a majority of votes at said election being for that constitution, and any one or more of the articles shall be so ratified, then the article or articles so ratified, with such articles or provisions of the constitution now existing as correspond with the articles of the new constitution not so ratified, and as are not inconsistent with the new articles so ratified, shall, within the time stated in the proclamation of the Governor, become and be the constitution of the State of Alabama.

On motion of Mr. Little, the amendment was laid on the table.
Mr. Inzer offered the following amendment to the schedule, as a substitute for section eight:

The Board of Education of this State, at the end of its next session, shall be forever dissolved.

Mr. Lowe demanded the previous question, and the call was sustained.

Mr. Little moved to reconsider the vote which sustained the call of the previous question.

Mr. Lowe moved to lay the motion on the table, which motion carried.

The schedule was then adopted.

Mr. Pugh, from the committee on the order, harmony and consistency of the whole constitution, reported adversely to the resolution providing for printing the journal.

Mr. Oates, from same committee, submitted a minority report signed by himself, Mr. Lowe, Mr. Willett, Mr. Langdon, Mr. O'Neal and Mr. Stone, as follows:

Mr. President:

We, the undersigned, members of the committee on the harmony, consistency, &c., of the whole constitution, to which was referred the resolution in relation to printing the journals of the convention, dissent from the report of the majority of said committee, and recommend that five hundred copies of said journals be printed, at a cost of not more than $800, including the Secretary's pay for copying, indexing, &c., and that when printed and delivered to the Secretary of State, he shall distribute the same as follows, to-wit: One copy to each delegate to this convention; one to each circuit judge, chancellor and judge of probate in the State; and fifty copies to the librarian, for the use and benefit of the supreme court library; and the remainder to be sold by the Secretary of State at not more than $3 per copy, which shall be paid into the State treasury.

Mr. Garrett moved to lay both reports upon the table.

Mr. Lewis called for a division of the question, and the vote being taken, first, on laying the majority report upon the table, it was carried—yeas 60, nays 28.

The question then being taken on laying the minority report on the table, it was lost—yeas 28, nays 58.

The minority report was then concurred in.

A resolution was adopted appointing Messrs. Herndon of Mobile, and Lea of Dallas, a committee to examine the enrolled copy of the constitution, so as to secure its complete accuracy before publication in official form.
The delegates who voted for it, then came forward and signed the parchment copy of the Constitution.
Thereupon the President, after a short address, pronounced the Convention adjourned sine die.
TO THE PEOPLE OF ALABAMA.

Your Delegates, lately assembled in Convention at Montgomery, have closed their labors after adopting, with but two dissenting votes, a new Constitution, which is now submitted for your ratification or rejection; and the undersigned have been appointed by the Convention, a committee to submit to your consideration the reasons which show the superiority of the new Constitution to the one under which you are now living and suffering.

The Constitution of 1868, was not the work of the People of Alabama. It is the offspring of usurpation, and the contrivance of unscrupulous adventurers, inflicted upon our people after they had solemnly rejected it. It was framed by enemies in utter disregard of the altered condition of our people, with no consideration for that universal impoverishment, which should have forbidden the imposition of every unnecessary burden. It was manufactured for the benefit of alien and corrupt usurpers, and has been administered in an office-holding and governmental extravagance, which in a few years has bankrupted the State and well nigh ruined our people.

The new constitution now submitted for your approval is at least the work of delegates chosen by yourselves, after a most deliberate and enlightened canvass, whom none can deny to be representative men of Alabama, identified with her people in interest and sympathy, and united with them in the good work of protecting the rights, and promoting the welfare of all classes and conditions. The highest aim of the late convention was to insure the safety of the people against the possibilities of extravagant and corrupt government. The delegates were deeply impressed by the responsibilities and difficulties of their position. How well they have discharged their high duties is now to be decided by an enlightened constituency.

The "bill of rights" in the new constitution, declares that all political power is inherent in the people, and that no gov-
ernment is rightful unless it is founded on their consent and authority. Every right and privilege essential to a free people is clearly defined, and perfect civil and political equality of every citizen is assured.

The rights and privileges thus defined and declared have the highest protection and promotion in the safeguards provided in the new constitution.

The law-making power of the State is lodged with the General Assembly. This body is composed of members elected by the people every two years; its sessions are biennial, and limited to fifty days, without the power to extend the time. The pay of its members is reduced from six to four dollars per day, and their mileage from 40 to 10 cents per mile. This change alone insures a saving every two years of at least $60,000.

No bill can become a law unless it is referred to a committee in the Senate and House, and has been read at length on its final passage, and the vote taken by yeas and nays and entered on the journal. This change prevents hasty and inconsiderate action, and enables the people to punish the authors of extravagant and mischievous legislation.

The annoying, disreputable and dangerous practice of lobbying to secure the support of members is to be made a criminal offense.

The General Assembly can pass no laws except of a general and public character. All power to enact local or special laws for the benefit of individuals or corporations is prohibited, and the people are thereby protected against the heavy expense of legislation in which they have no interest.

All power in the General Assembly to embark the State in railroad building, or works of internal improvement, or to give or lend the money or credit of the State to individuals or corporations in aid of such enterprises is forever prohibited. Neither can the legislature authorize any town, city or county to bind the people for stock in railroads or any works or enterprises of like character. The denial of this power to your State Government is an invaluable safeguard in the future, against the imposition of burdens that are now crushing the people down with taxes.

For the first time since you had a State government, the new constitution puts a limit to the power of the legislature to levy and collect taxes. And the power of every town, city, and county to tax is also restricted. The rate of taxation in the future for State purposes can never go higher than three-fourths of one per centum upon the assessed value of all tax-
able property. But the legislature can reduce this rate at any time when the people may demand it, and their improved condition justifies the reduction.

No town, city or county, can levy a higher tax than one-half of one per centum for ordinary county purposes, and to pay existing debts, the rate is limited to one-fourth of one per centum on the State assessment. This limitation upon the taxing power lifts the black curtain of perpetual bankruptcy and ruin, and enables our almost hopeless people to see a bright future for themselves and their posterity.

In the executive and judicial departments of the government, many unnecessary offices have been abolished, and the cost of expounding and executing the laws has been greatly reduced. The offices of lieutenant governor and commissioner of industrial resources, with all useless clerks and employees in the legislative and executive branches have been abolished.

The number of judicial circuits in the State has been reduced from twelve to eight, and of chancery divisions from five to three; and the salaries of all State officers reduced 25 per centum, with authority in the legislature to increase them if desired by the people. It is estimated that these retrenchments will insure an annual saving of at least fifty thousand dollars.

In relation to public schools the convention has made the most salutary changes. The great complaint has been that there were too many unnecessary officers, and too much useless machinery employed, to handle the school fund, and that the money thus expended should be saved for teaching the children. The convention abolished the school board, and thereby avoided the expense of another legislature, to do what could be safely required of the General Assembly. The impoverished condition of the people, and the immense burden of State, county and city taxation, which they were now unable to carry, compelled your delegates to refuse to pile up any more weight, until the people recovered their strength, unloaded, and had time to rest and collect the means to devote to public schools. The convention acted on these principles in providing, as it did in the new constitution, for the support of public schools. It was estimated that from the sources specified in the new constitution, the amount that could be certainly raised for school purposes, would be about $302,000. If the people and the tax collectors do their duty, the provisions of the new constitution will produce more money for the support of public schools than has heretofore been ex-
pended in actual teaching. The convention has saved, at least, $50,000 per annum in abolishing the school board, and limiting the amount to be paid for officers to 4 per centum of the school fund, thus leaving 96 per centum to pay teachers. The poll tax collected in each county is to be kept in such county and applied there to public schools. The failure to collect more of the poll tax is chargeable to the tax collectors. There are in the State over 200,000 voters; and the amount of poll taxes collected has not reached more than $75,000 per annum. As each county would be entitled to its own poll tax, the people in each township, and especially the trustees, will give special attention to the payment of the poll tax, and it is believed that this change will add at least $75,000 per annum to the school fund. If any fear that the new constitution has impaired the public schools, in not providing a sufficient fund to support them, exists, such apprehension must be dispelled by the first section of the twelfth article, which provides that "the General Assembly shall establish, organize and maintain a system of public schools throughout the State, for the equal benefit of all children between the ages of 7 and 21 years." The convention gave every dollar that could be spared at this time for public schools, and if it is found that the system is likely to suffer for want of more money, the General Assembly has the full authority to appropriate as much as the people demand to answer all such purposes. The people pay the taxes, and elect their own representatives, and if the public schools languish and die for the want of money, it will be the fault of the people and their representatives, and not that of the new constitution.

Another subject of great difficulty, was property exempted from sale under legal process. The convention found such exemptions in the constitution of 1868, and the question was, what shall be done in the new constitution? We all saw some inequalities and defects in the article on exemptions; some thought all exemptions were wrong in principle, and hurtful in their operation; others favored exemptions as being well founded in public policy and individual necessity; some wanted high, others low exemptions; some favored exemptions in money value; others favored exemptions in quantity of real and personal property. If all these differences existed in the convention, how could it be hoped to find more harmony and less division among the people of the State. There is nothing about which the people are more easily inflamed than exemptions.

There were many changes to be made in the new constitu-
tion that the people were united in demanding. The changes about which all the people agreed involved their future existence and safety, and the convention decided that it would be unwise to endanger the ratification of the new constitution by throwing into it the exciting and distracting question of exemptions. It was thought best to let exemptions stand precisely as they are in the present constitution and the statutes of the State, except that the debtor has the privilege of waiving them, without incurring, as he must at present, the expense of a mortgage. This waiver, however, when made of a homestead by a married man, must, to be valid, be signed by husband and wife in the presence of a witness. And hereafter, when the people secure all the benefits promised in the new constitution, they can deal with this matter of exemptions in any way they please, through the amending and lawmaking power of the General Assembly.

We trusted that no voter would be so unreasonable as to throw away all the acknowledged benefits secured to him in the new constitution, because he failed to get what he wanted on exemptions, especially when it was manifest that whether the new constitution stands or falls, exemptions remain unaltered.

Fellow-citizens, the constitution of 1868 and the constitution of 1875, are now before you—make your own selection, and shoulder the responsibilities and possibilities attending your decision.

How can any true man hesitate. Behind him and around him are the bitter fruits of a constitution he had no voice in making. What is the future of Alabama and her people, if the incubus of an alien constitution, framed by usurpers in the interest of plunderers, remains as the organic law for their government?

Before you is the constitution framed by your own people, with every right and interest and pursuit guaranteed and protected against extravagant, corrupt, injurious and dangerous legislation. With no power to create new public debts, no authority to increase taxation beyond a fixed rate, under which the people can avoid great suffering and sacrifices, and when the reforms inaugurated in the new constitution promise to produce the most beneficial effects upon the capacity and energy and hopes of our people, and to place Alabama in the front rank of the prosperous States of this Union, how can any voter feel indifferent in the struggle to have this great work accomplished?
We have discharged our duty, and results are left with the people.

F. S. Lion,
J. L. Pugh,
Thos. H. Herndon,
R. O. Pickett,
L. M. Stone,
C. C. Langdon,
E. H. Moren,
J. A. Foster,
R. W. Cobb,
J. D. Rather,
W. G. Little,
John Gamble,
Sumter Lea,
Committee.

October 4, 1875.
CONSTITUTION
OF THE
STATE OF ALABAMA.

PREAMBLE.

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and to secure to ourselves and to our posterity, life, liberty and property, profoundly grateful to Almighty God for this inestimable right, and invoking His favor and guidance, do ordain and establish the following constitution and form of government for the State of Alabama.

ARTICLE I.
DECLARATION OF RIGHTS.

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

Section 1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

Sec. 2. That all persons resident in this State, born in the United States, or naturalized, or who shall have legally declared their intention to become citizens of the United States, are hereby declared citizens of the State of Alabama, possessing equal, civil and political rights.

Sec. 3. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have, at all times, an inalienable and indefeasible right to change
their form of government, in such manner as they may deem expedient.

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

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

Sec. 6. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures or searches, and that no warrant shall issue to search any place, or to seize any person or thing without probable cause, supported by oath or affirmation.

Sec. 7. That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; to have a copy thereof; to be confronted by witnesses against him; to have compulsory process for obtaining witnesses in his favor; and in all prosecutions by indictment a speedy public trial by an impartial jury of the county or district in which the offense was committed; and that he shall not be compelled to give evidence against himself, nor be deprived of his life, liberty or property, but by due process of law.

Sec. 8. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense, and legally applied.

Sec. 9. That no person shall, for any indictable offense, be proceeded against criminally, by information, except in cases arising in the militia and volunteer forces when in actual service, or by leave of the court, for misfeasance, misdeemeanor, extortion and oppression in office, otherwise than as is provided in this constitution; Provided, That in cases of petit larceny, assault, assault and battery, affray, unlawful assemblies, vagrancy and other misdemeanors, the General Assembly may, by law, dispense with a grand jury, and authorize such prosecutions and proceedings before justices of the
peace or such other inferior courts as may be by law estab-
lished.

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

Sec. 11. That no person shall be debarred from prosecu-
ting or defending, before any tribunal in the State, by him-
self or counsel, any civil cause or proceeding to which he is a
party.

Sec. 12. That the right of trial by jury shall remain invio-
late.

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

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

Sec. 15. The State of Alabama shall never be made de-
defendant in any court of law or equity.

Sec. 16. That excessive fines shall not be imposed, nor
 cruel or unusual punishments inflicted.

Sec. 17. That all persons shall, before conviction, be bail-
able by sufficient sureties, except for capital offenses when the
proof is evident or the presumption great. Excessive bail
shall not, in any case, be required.

Sec. 18. The privilege of the writ of habeas corpus shall
not be suspended by the authorities of this State.

Sec. 19. That treason against the State shall consist only
in levying war against it, or adhering to its enemies, giving
them aid and comfort; and that no person shall be convicted of
treason except on the testimony of two witnesses to the
same overt act, or his own confession in open court.

Sec. 20. That no person shall be attainted of treason by
the General Assembly; and that no conviction shall work cor-
rupption of blood or forfeiture of estate.

Sec. 21. That no person shall be imprisoned for debt.

Sec. 22. That no power of suspending laws shall be exer-
cised, except by the General Assembly.

Sec. 23. That no ex post facto law, nor any law impairing
the obligation of contracts, or making any irrevocable grants
of special privileges or immunities, shall be passed by the General Assembly.

Sec. 24. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as individuals. But private property shall not be taken for or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owners; Provided, however, that the General Assembly may, by law, secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; And provided, That the right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations other than municipal, or for the benefit of any individual or association.

Sec. 25. That all navigable waters shall remain forever public highways, free to the citizens of the State, and of the United States, without tax, impost, or toll, and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in, or over the waters of any navigable stream, unless the same be expressly authorized by law.

Sec. 26. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances, or other purposes, by petition, address or remonstrance.

Sec. 27. That every citizen has a right to bear arms in defense of himself and the State.

Sec. 28. That no standing army shall be kept up without the consent of the General Assembly; and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sec. 29. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Sec. 30. That no title of nobility, or hereditary distinction, privilege, honor or emolument, shall ever be granted or con-
ferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

SEC. 31. That immigration shall be encouraged, emigration shall not be prohibited, and no citizen shall be exiled.

SEC. 32. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

SEC. 33. That no form of slavery shall exist in this State, and there shall be no involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

SEC. 34. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

SEC. 35. The people of this State accept as final the established fact that from the Federal Union there can be no secession of any State.

SEC. 36. Foreigners who are or may hereafter become bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

SEC. 37. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property; and when the government assumes other functions it is usurpation and oppression.

SEC. 38. No educational or property qualification for suffrage or office, nor any restraint upon the same on account of race, color or previous condition of servitude, shall be made by law.

SEC. 39. That this enumeration of certain rights shall not impair or deny others retained by the people.

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

SEC. 1. The boundaries of this State are established and declared to be as follows—that is to say: Beginning at the point where the 31st degree of north latitude crosses the Perdido river; thence east to the western boundary line of the State of Georgia, thence along said line to the southern boundary line of the State of Tennessee; thence west along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear Creek; thence by a direct line to the northwest cor-
nor of Washington county in this State, as originally formed; thence southerly along the line of the State of Mississippi to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning.

Sec. 2. The boundaries of the several counties of this State, as heretofore established by law, are hereby ratified and confirmed. The General Assembly may, by a vote of two-thirds of both houses thereof, arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new counties shall be hereafter formed of less extent than six hundred square miles, and no existing county shall be reduced to less extent than six hundred square miles, and no new county shall be formed which does not contain a sufficient number of inhabitants to entitle it to one representative, under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants entitling such county or counties to separate representation.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

Sec. 1. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive to another; and those which are judicial to another.

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

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

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

Sec. 2. The style of the laws of this State shall be, "Be it enacted by the General Assembly of Alabama;" each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code digest or revision of statutes;
and no law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revived, amended, extended or conferred, shall be re-enacted and published at length.

Sec. 3. Senators and representatives shall be elected by the qualified electors on the first Monday in August, 1876, and one-half of the senators and all the representatives shall be elected every two years thereafter, unless the General Assembly shall change the time of holding elections. The terms of the office of the senators shall be four years, and that of the representatives two years, commencing on the day after the general election, except as otherwise provided in this constitution.

Sec. 4. Senators shall be at least 27 years of age, and representatives 21 years of age; they shall have been citizens and inhabitants of this State for three years, and inhabitants of their respective counties or districts one year next before their election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of service.

Sec. 5. The General Assembly shall meet biennially at the capitol, in the senate chamber and in the hall of the house of representatives, (except in cases of destruction of the capitol or epidemics, when the Governor may convene them at such place in the State as he may deem best)—on the day specified in this constitution, or on such other day as may be prescribed by law, and shall not remain in session longer than sixty days at the first session held under this constitution, nor longer than fifty days at any subsequent session.

Sec. 6. The pay of the members of the General Assembly shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

Sec. 7. The General Assembly shall consist of not more than thirty-three senators, and not more than one hundred members of the house of representatives, to be apportioned among the several districts and counties as prescribed in this constitution.

Sec. 8. The Senate, at the beginning of each regular session and at such other times as may be necessary, shall elect one of its members president thereof, and the house of representatives, at the beginning of each regular session, shall elect one of its members as speaker; and the president of the senate and the speaker of the house of representatives shall hold
their offices respectively until their successors are elected and qualified. Each house shall choose its own officers, and shall judge of the election, returns and qualifications of its members.

Sec. 9. At the general election in the year 1876, senators shall be elected in the even numbered districts, to serve for two years, and in the odd numbered districts to serve for four years, so that thereafter one-half the senators may be chosen biennially. Members of the house of representatives shall be elected at the general election every second year. The time of service of senators and representatives shall begin on the day after their election, except the terms of those elected in 1876, which shall not begin until the term of the present members shall have expired. Whenever a vacancy shall occur in either house, the Governor for the time being shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under penalties as each house may provide.

Sec. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behaviour in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or corrupt solicitation, and with the concurrence of two-thirds of either house to expel a member, but not a second time for the same cause; and shall have all the powers necessary for the legislature of a free State.

Sec. 12. A member of either house expelled for corruption, shall not thereafter be eligible to either house; and punishment for contempt or disorderly behavior, shall not bar an indictment for the same offense.

Sec. 13. Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-tenth of the members present, be entered on the journals. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals.

Sec. 14. Members of the General Assembly shall in all cases,
except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

Sec. 15. The doors of each house shall be open, except on such occasions as in the opinion of the house may require secrecy.

Sec. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 17. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit, under this State, which shall have been created or the emoluments of which shall have been increased during such term, except such office as may be filled by election by the people.

Sec. 18. No person hereafter convicted of embezzlement of public money, bribery, perjury, or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this State.

Sec. 19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Sec. 20. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom.

Sec. 21. Every bill shall be read on three different days in each house—and no bill shall become a law unless on its final passage it be read at length and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this constitution.

Sec. 22. No amendment to bills by one house shall be concurred in by the other except by a vote of a majority thereof, taken by yeas and nays, and the names of those voting for and against recorded upon the journals; and reports of committees of conference shall in like manner be adopted in each house.

Sec. 23. No special or local law shall be enacted for the benefit of individuals or corporations in cases which are or can be provided for by a general law, or where the relief sought can be given by any court of this State. Nor shall the operation of any general law be suspended by the Gen-
eral Assembly for the benefit of any individual, corporation or association.

Sec. 24. No local or special law shall be passed on a subject which cannot be provided for by a general law, unless notice of the intention to apply therefor shall have been published in the locality where the matter or things to be affected may be situated, which notice shall be at least twenty days prior to the introduction into the General Assembly of such bill—the evidence of such notice having been given, shall be exhibited to the General Assembly before such act shall be passed; Provided, That the provisions of this constitution as to special or local laws, shall not apply to public or educational institutions of, or in this State, nor to industrial, mining, immigration or manufacturing corporations or interests, or corporations for constructing canals, or improving navigable rivers and harbors of this State.

Sec. 25. The General Assembly shall pass general laws, under which local and private interests shall be provided for and protected.

26. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and it shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State, and all acts or parts of acts heretofore passed by the General Assembly of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby avoided.

Sec. 27. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the General Assembly, after the titles have been publicly read immediately before signing, and the fact of signing shall be entered on the journal.

Sec. 28. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each house, and no payment shall be made from the State Treasury, or be in any way authorized to any person, except to an acting officer or employe, elected or appointed in pursuance of law.

Sec. 29. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or contractor, after the services shall have been rendered, or contract made; nor shall any officer of the State bind the State to the payment of any sum of money but by authority of law.

Sec. 30. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished, and the printing, binding and distribution of laws,
journals, department reports, and all other printing and binding, and repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, State Auditor and State Treasurer.

Sec. 31. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Sec. 32. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, interest on the public debt and for the public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Sec. 33. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof, and a regular statement and account of receipts and expenditures of all public moneys shall be published annually in such manner as may be by law directed.

Sec. 34. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than Normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each house.

Sec. 35. No act of the General Assembly shall authorize the investment of any trust funds by executors, administrators, guardians and other trustees, in the bonds or stock, of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

Sec. 36. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.

Sec. 37. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Sec. 38. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture
or commodity, but any county or municipality may appoint such officers, when authorized by law.

Sec. 39. No act of the General Assembly changing the seat of government of the State, shall become a law until the same shall have been submitted to the qualified electors of the State at a general election, and approved by a majority of such electors voting upon the same, and such act shall specify the proposed new location.

Sec. 40. A member of the General Assembly who shall corruptly solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, reward, thing of value or enjoyment, or of personal advantage, or promise thereof for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this constitution, and shall incur the disabilities provided thereby for such offense, and such additional punishment as is or shall be provided by law.

Sec. 41. Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer, or member of the General Assembly to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

Sec. 42. The offense of corrupt solicitation of members of the General Assembly, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member or officers to influence their official action shall be defined by law, and shall be punished by fine and imprisonment.

Sec. 43. A member of the General Assembly who has a personal or private interest in any measure or bill, proposed or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Sec. 44. In all elections by the General Assembly, the
members shall vote *viva voce*, and the votes shall be entered on the journals.

**Sec. 45.** It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that mode of adjustment.

**Sec. 46.** It shall be the duty of the General Assembly, at its first session after the ratification of this constitution, and within every subsequent period of ten years, to make provision by law for the revision, digesting and promulgation of the public statutes of this State of a general nature, both civil and criminal.

**Sec. 47.** The General Assembly shall pass such penal laws as they may deem expedient to suppress the evil practice of dueling.

**Sec. 48.** It shall be the duty of the General Assembly to regulate by law the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacities, and the amount of such deductions.

**Sec. 49.** It shall be the duty of the General Assembly to require the several counties of this State to make adequate provision for the maintenance of the poor.

**Sec. 50.** The General Assembly shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this State.

**Sec. 51.** In the event of annexation of any foreign territory to this State, the General Assembly shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of the acquisition, anything in this constitution to the contrary notwithstanding.

**Sec. 52.** The General Assembly shall not tax the property, real and personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town, to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; nor such property, real or personal, to an extent not exceeding twenty-five thousand dollars in value, as may be used exclusively for agricultural or horticultural associations of a public character.

**Sec. 53.** The General Assembly shall by law prescribe such rules and regulations as may be necessary to ascertain the value of personal and real property exempted from sale under
legal process by this constitution, and to secure the same to the claimant thereof as selected.

Sec. 54. The State shall not engage in works of internal improvement, nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation.

Sec. 55. The General Assembly shall have no power to authorize any county, city, town, or other subdivision of this State, to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association or company, by issuing bonds or otherwise.

Sec. 56. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the General Assembly shall have no power to revive any right or remedy which may have become barred by lapse of time or by any statute of this State.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Sec. 1. The executive department shall consist of a Governor, Secretary of State, State Treasurer, State Auditor, Attorney General and Superintendent of Education, and a Sheriff for each county.

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

Sec. 3. The Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall be elected by the qualified electors of this State, at the same time and places appointed for the election of members of the General Assembly.

Sec. 4. The returns of every election for Governor, Secretary of State, State Auditor, State Treasurer and Attorney General, shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which said returns shall be made, open and publish them in the presence of both houses of the General Assembly in joint convention. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes for the same office, the General As-
assembled, by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Secretary of State, State Auditor, State Treasurer and Attorney General shall be determined by both houses of the General Assembly in such manner as may be prescribed by law.

Sec. 5. The Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall hold their respective offices for the term of two years from the time of their installation in office and until their successors shall be elected and qualified.

Sec. 6. The Governor shall be at least thirty years of age when elected, and shall have been a citizen of the United States ten years and a resident citizen of this State at least seven years next before the day of his election.

Sec. 7. The Governor, Secretary of State, State Treasurer, State Auditor and Attorney General shall reside at the seat of government of this State during the time they continue in office (except in case of epidemics); and they shall receive compensation for their services, which shall be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected.

Sec. 8. The Governor shall take care that the laws be faithfully executed.

Sec. 9. The Governor may require information in writing, under oath, from the officers of the executive department on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions; and any such officer or manager who makes a false report shall be guilty of perjury and punished accordingly.

Sec. 10. The Governor may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if, since their last adjournment, that shall have become dangerous from an enemy or from infectious or contagious diseases; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

Sec. 11. The Governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient, and at the commencement of each session of the General Assembly, and at the close of his term of office, give information by written message of the condition of the State, and he shall account to the General Assembly,
as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with the vouchers therefor, and he shall at the commencement of each regular session present to the General Assembly estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 12. The Governor shall have power to remit fines and forfeitures, under such rules and regulations as may be prescribed by law, and after conviction to grant reprieves, commutation of sentence and pardons (except in cases of treason and impeachment); but pardons in cases of murder, arson, burglary, rape, assault with intent to commit rape, perjury, forgery, bribery and larceny, shall not relieve from civil and political disability unless specifically expressed in the pardon. Upon conviction of treason, the Governor may suspend the execution of the sentence and report the same to the General Assembly at the next regular session, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant further reprieve. He shall communicate to the General Assembly at every regular session each case of reprieve, commutation or pardon granted, with his reasons therefor; stating the name and crime of the convict, the sentence, its date, and the date of the reprieve, commutation or pardon.

Sec. 13. Every bill, which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it with his objections to that house in which it shall have originated, who shall enter the objections at large upon the journals, and the house to which such bill shall be returned, shall proceed to reconsider it; if after such reconsideration a majority of the whole number elected to that house, shall vote for the passage of such bill, it shall be sent, with the objections, to the other house, by which it shall likewise be reconsidered; if approved by a majority of the whole number elected to that house, it shall become a law; but in such cases, the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered upon the journals of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall not be a law. And every order, vote, or resolution, to which the concurrence of both houses may be necessary (except questions
of adjournment, and of bringing on elections by the two houses, and of amending this constitution,) shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 14. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto, and he shall, in writing, state specifically the item or items he disapproves.

Sec. 15. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, absence from the State, or other disability, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, until the time appointed for the election of Governor shall arrive, or until the Governor who is absent or impeached, shall return or be acquitted, or other disability be removed, and if during such vacancy in the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, die, resign, be absent from the State, or be under any other disability, the Speaker of the House of Representatives shall in like manner administer the Government. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President of the Senate, who shall enter upon the duties of Governor, and if the Governor and President of the Senate shall both be absent from the State over twenty days, the Secretary of State shall notify the Speaker of the House of Representatives, and in such case he shall enter upon and discharge the duties of Governor, until the return of the Governor or President of the Senate.

Sec. 16. The President of the Senate and Speaker of the House of Representatives shall, during the time they respectively administer the government, receive the same compensation which the Governor would have received if he had been employed in the duties of his office; Provided, That if the General Assembly shall be in session during such absence, they, or either of them, shall receive no compensation as members of the General Assembly while acting as Governor.

Sec. 17. No person shall, at one and the same time, hold the office of Governor of this State and any other office, civil
or military, either under this State, the United States, or any other State or government, except as otherwise provided in this Constitution.

Sec. 18. The Governor shall be Commander-in-Chief of the militia and volunteer forces of the State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection and repel invasion; but he need not command in person, unless directed to do so by a resolution of the General Assembly, and when acting in the service of the United States he shall appoint his staff and the General Assembly shall fix his rank.

Sec. 19. No person shall be eligible to the office of Secretary of State, State Treasurer, State Auditor, or Attorney General, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Sec. 20. There shall be a great seal of the State, which shall be used officially by the Governor; and the seal now in use shall continue to be used until another shall have been adopted by the General Assembly. The said seal shall be called the “Great seal of the State of Alabama.”

Sec. 21. The secretary of state shall be the custodian of the seal of the State, and shall authenticate therewith all official acts of the Governor, his approval of laws and resolutions excepted. He shall keep a register of the official acts of the Governor, and when necessary shall attest them, and lay copies of same, together with copies of all papers relative thereto, before either House of the General Assembly, whenever required to do so, and shall perform such other duties as may be prescribed by law.

Sec. 22. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal, signed by the Governor and countersigned by the secretary of state.

Sec. 23. Should the office of secretary of state, state treasurer, state auditor, attorney general or superintendent of education become vacant, for any of the causes specified in section fifteen of this article, the Governor shall fill the vacancy until the disability is removed or a successor elected and qualified.

Sec. 24. The state treasurer, state auditor, and attorney general, shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall every year, at a time the General Assembly may fix, make a full and com-
plete report to the Governor, showing all receipts and disbursements of revenue, of every character, all claims audited and paid by the state, by items, and all taxes and revenue collected and paid into the treasury, and from what sources, and they shall make reports oftener on any matter pertaining to their office, if required by the Governor, or the General Assembly.

Sec. 25. The state auditor, state treasurer, and secretary of state shall not, after the expiration of the terms of those now in office, receive to their use any fees, costs, perquisites of office, or compensation other than their salaries as prescribed by law; and all fees that may be payable by law, for any service performed by either of such officers, shall be paid in advance into the state treasury.

Sec. 26. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of four years, unless sooner removed, and shall be ineligible to such office as his own successor; Provided, That sheriffs elected on the first Monday in August, 1877, or at such other time as may be prescribed by law for the election in that year, shall hold their offices for the term of three years, and until their successors shall be elected and qualified. In the year 1880, at the general election for members to the General Assembly, sheriffs shall be elected for four years as herein provided. Vacancies in the office of sheriff shall be filled by the Governor, as in other cases, and the person appointed shall continue in office until the next general election in the county for sheriff, as provided by law.

ARTICLE VI.
JUDICIAL DEPARTMENT.

Section 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such inferior courts of law and equity, to consist of not more than five members, as the General Assembly may from time to time establish, and such persons as may be by law invested with powers of a judicial nature.

Sec. 2. Except in cases otherwise directed in the Constitution, the supreme court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law; Provided, That said court shall have power to issue writs of injunction, habeas corpus, quo-warranto, and such other remedial and original
writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

Sec. 3. The supreme court shall be held at the seat of government, but if that shall have become dangerous from any cause, it may adjourn to a different place.

Sec. 4. The State shall be divided by the General Assembly into convenient circuits, not to exceed eight in number, unless increased by a vote of two thirds of the members of each house of the General Assembly, and no circuit shall contain less than three nor more than twelve counties, and for each circuit there shall be chosen a judge, who shall for one year next preceding his election and during his continuance in office reside in the circuit for which he is elected.

Sec. 5. The circuit court shall have original jurisdiction in all matters, civil and criminal, within the State, not otherwise in this Constitution; but in civil cases only when the matter or sum in controversy exceeds fifty dollars.

Sec. 6. A circuit court shall be held in each county in the State at least twice in every year; and the judges of the several circuits may hold court for each other when they deem it expedient, and shall do so when directed by law; Provided, That the judges of the several circuit courts shall have power to issue writs of injunction returnable into courts of chancery.

Sec. 7. The General Assembly shall have power to establish a court or courts of chancery, with original and appellate jurisdiction. The State shall be divided by the General Assembly into convenient chancery divisions, not exceeding three in number, unless an increase shall be made by a vote of two-thirds of each house of the General Assembly, taken by yeas and nays and entered upon the journals; and the division shall be divided into districts, and for each division there shall be a chancellor, who shall, at the time of his election or appointment, and during his continuance in office, reside in the division for which he shall have been elected or appointed.

Sec. 8. A chancery court shall be held in each district, at a place to be fixed by law, at least once in each year; and the chancellors may hold courts for each other, when they deem it necessary.

Sec. 9. The General Assembly shall have power to establish in each county within the State a court of probate, with general jurisdiction for the granting of letters testamentary and of administration, and for orphans' business.

Sec. 10. The judges of the supreme court, circuit courts and chancellors shall, at stated times, receive for their services a compensation, which shall not be diminished during
their official terms, but they shall receive no fees or perquisites, nor hold any office (except judicial offices) of profit or trust under this State, or the United States, or any other power, during the term for which they have been elected.

Sec. 11. The supreme court shall consist of one chief justice, and such number of associate justices as may be prescribed by law.

Sec. 12. The chief justice and associate justices of the supreme court, judges of the circuit courts, probate courts and chancellors, shall be elected by the qualified electors of the State, circuits, counties, and chancery divisions for which such courts may be established, at such time as may be prescribed by law.

Sec. 13. The judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed, in such mode as the General Assembly may prescribe.

Sec. 14. The judges of the supreme court, circuit courts, and chancellors, and the judges of city courts, shall have been citizens of the United States, and of this State, for five years next preceding their election or appointment, and shall be not less than twenty-five years of age, and learned in the law.

Sec. 15. The chief justice and associate justices of the supreme court, circuit judges, chancellors and probate judges, shall hold office for the term of six years, and until their successors are elected or appointed and qualified; and the right of such judges and chancellors to hold their offices for the full term, hereby prescribed, shall not be affected by any change hereafter made by law in any circuit, division or county in the mode or time of election.

Sec. 16. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the State; the judges of the circuit courts, within their respective circuits, and the judges of the inferior courts within their respective jurisdictions, shall, in like manner, be conservators of the peace.

Sec. 17. Vacancies in the office of any of the judges or chancellors of this State shall be filled by appointment by the Governor, and such appointee shall hold his office for the unexpired term, and until his successor is elected or appointed and qualified.

Sec. 18. If in any case, civil or criminal, pending in any circuit, chancery or city court in this State, the presiding judge or chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such cause; the parties or their attorneys of record, if it be a civil case, or the solicitor
or other prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court, and learned in the law, to act as special judge or chancellor, to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as a judge of the circuit or city court or chancellor sitting as a court might do in such case. If the case be a civil one and the parties or their attorneys of record do not agree, or if the case be a criminal one and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil cause is not represented in court, the clerk of the circuit or city court, or register in chancery, of the court in which said cause is pending, shall appoint the special judge or chancellor, who shall preside, try and render judgments as in this section provided.

SEC. 19. The General Assembly shall have power to provide for the holding of circuit and chancery courts in this State, when the judges or chancellors thereof fail to attend regular terms.

SEC. 20. No judge of any court of record, in this State, shall practice law in any of the courts of this State or of the United States.

SEC. 21. Registers in chancery shall be appointed by the chancellors of the divisions, and shall hold office during the term of the chancellor making such appointment; and such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law.

SEC. 22. A clerk of the supreme court shall be appointed by the judges thereof, and shall hold office during the term of the judges making the appointment, and clerks of such inferior courts as may be established by law shall be appointed by the judges thereof, and shall hold office during the term of the judge making such appointment.

SEC. 23. Clerks of the circuit court shall be elected by the qualified electors in each county, for the term of six years. Vacancies in such office shall be filled by the Governor for the unexpired term.

SEC. 24. The clerk of the supreme court and registers in chancery may be removed from office by the judges of the supreme court and chancellors respectively, for cause, to be entered at length upon the records of the court.

SEC. 25. A solicitor for each judicial circuit shall be elected by joint ballot of the General Assembly, who shall be learned in the law, and who shall, at the time of his election, and during his
continuance in office, reside in the circuit for which he is chosen, and whose term of office shall be for six years; Provided, That the General Assembly, at its first session thereof, after the ratification of this constitution, shall, by joint ballot, elect a solicitor for each judicial circuit of the State, whose term of office shall begin on Tuesday after the first Monday in November, 1876, and continue for four years; And, provided, that the General Assembly may, when necessary, provide for the election or appointment of county solicitors.

Sec. 26. There shall be elected by the qualified electors of each precinct of the counties not exceeding two justices of the peace and one constable. Such justices shall have jurisdiction in all civil cases wherein the amount in controversy does not exceed $100, except in cases of libel, slander, assault and battery, and ejectment. In all cases tried before such justices, the right of appeal, without prepayment of costs, shall be secured by law; Provided, that the Governor may appoint one notary public for each election precinct in counties, and one for each ward in cities of over 5,000 inhabitants, who, in addition to the powers of notary, shall have and exercise the same jurisdiction as justices of the peace within the precincts and wards for which they are respectively appointed; Provided, that notaries public without such jurisdiction may be appointed. The term of office of such justice and notaries public shall be prescribed by law.

Sec. 27. An attorney general shall be elected by the qualified electors of the State at the same time and places of election of members of the General Assembly, and whose term of office shall be for two years, and until his successor is elected and qualified. After his election he shall reside at the seat of government and shall be the law officer of the State, and shall perform such duties as may be required of him by law.

Sec. 28. The style of all processes shall be “The State of Alabama,” and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude, “Against the peace and dignity of the State.”

ARTICLE VII.
IMPEACHMENT.

Sec. 1. The Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Education and Judges of the Supreme Court may be removed from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude while in office, or committed under color thereof, or connected
therewith, by the Senate, sitting as a court for that purpose, under oath or affirmation, on articles or charges preferred by the House of Representatives.

Sec. 2. The chancellors, judges of the circuit courts, judges of the probate courts, solicitors of the circuits and judges of inferior courts from which an appeal may be taken directly to the supreme court, may be removed from office for any of the causes specified in the preceding section, by the supreme court, under such regulations as may be prescribed by law.

Sec. 3. The sheriffs, clerks of the circuit, city or criminal courts, tax collectors, tax assessors, county treasurers, coroners, justices of the peace, notaries public, constables, and all other county officers, mayors and intendents of incorporated cities and towns in this State, may be removed from office for any of the causes specified in section one of this article, by the circuit, city or criminal court of the county in which such officers hold their office, under such regulations as may be prescribed by law; Provided, that the right of trial by jury and appeal in such cases be secured.

Sec. 4. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office and disqualification from holding office under the authority of this State, for the term for which he was elected or appointed; but the accused shall be liable to indictment, trial and punishment as prescribed by law.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

Sec. 1. Every male citizen of the United States, and every male person of foreign birth who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is 21 years old or upwards, possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election by the people, except as hereinafter provided:

1st. He shall have resided in the State at least one year immediately preceding the election at which he offers to vote.

2d. He shall have resided in the county for three months, and in the precinct, district or ward for thirty days immediately preceding the election at which he offers to vote; Provided, that the General Assembly may prescribe a longer or shorter residence in any precinct in any county, or in any ward in any incorporated city or town having a population of more than 5,000 inhabitants, but in no case to exceed three
months; And provided, that no soldier, sailor or marine in
the military or naval service of the United States shall acquire
a residence by being stationed in this State.

Sec. 2. All elections by the people shall be by ballot, and
all elections by persons in a representative capacity shall be
viva voce.

Sec. 3. The following classes shall not be permitted to reg-
ister, vote or hold office:
1st. Those who shall have been convicted of treason, em-
bezzlement of public funds, malfeasance in office, larceny,
brbery, or other crime punishable by imprisonment in the
penitentiary.
2d. Those who are idiots or insane.

Sec. 4. Electors shall in all cases, except treason, felony or
breach of the peace, be privileged from arrest during their
attendance at elections or while going to or returning there-
from.

Sec. 5. The General Assembly shall pass laws, not inco-
sistent with this constitution, to regulate and govern elections
in this State, and all such laws shall be uniform throughout
the State. The General Assembly may, when necessary, pro-
vide by law for the registration of electors throughout the
State, or in any incorporated city or town thereof, and when
it is so provided no person shall vote at any election unless
he shall have registered as required by law.

Sec. 6. It shall be the duty of the General Assembly to pass
adequate laws giving protection against the evils arising from
the use of intoxicating liquors at all elections.

Sec. 7. Returns of elections for all civil officers who are to
be commissioned by the Governor, except Secretary of State,
State Auditor, State Treasurer and Attorney General, and
for members of the General Assembly, shall be made to the
Secretary of State.

ARTICLE IX.

REPRESENTATION.

Sec. 1. The whole number of senators shall be not less than
one-fourth or more than one-third of the whole number of
representatives.

Sec. 2. The house of representatives shall consist of not
more than one hundred members, who shall be apportioned
by the General Assembly among the several counties of the
State according to the number of inhabitants in them res-
pectively, as ascertained by the decennial census of the Uni-
ted States for the year 1880; which apportionment, when
made, shall not be subject to alteration until the first session of the General Assembly after the next decennial census of the United States shall have been taken.

Sec. 3. It shall be the duty of the General Assembly, at its first session after the taking of the decennial census of the United States in 1880, and after each subsequent decennial census, to fix by law the number of representatives, and apportion them among the several counties of the State; Provided, that each county shall be entitled to at least one representative.

Sec. 4. It shall be the duty of the General Assembly at its first session after the taking of the decennial census of the United States in 1880, and after each subsequent decennial census, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator and no more; and which districts, when formed, shall not be changed until the next apportioning session of the General Assembly after the next decennial census of the United States shall have been taken. No county shall be divided between two districts, and no district shall be made of two or more counties not contiguous to each other.

Sec. 5. Should the decennial census of the United States from any cause not be taken, or if when taken the same as to this State is not full or satisfactory, the General Assembly shall have power, at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, and once in each ten years thereafter, upon which it shall be the duty of the General Assembly to make the apportionment of representatives and senators as provided for in this article.

Sec. 6. Until the General Assembly shall make an apportionment of representatives among the several counties, after the first decennial census of the United States as herein provided, the counties of Autauga, Baldwin, Bibb, Blount, Calhoun, Chilton, Cherokee, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Dale, DeKalb, Elmore, Etowah, Escambia, Fayette, Franklin, Geneva, Henry, Lauderdale, Marion, Morgan, Monroe, Marshall, Randolph, Sanford, Shelby, St. Clair, Walker, Washington and Winston shall each have one representative; the counties of Barbour, Bullock, Butler, Chambers, Greene, Hale, Jackson, Jefferson, Limestone, Lawrence, Lowndes, Lee, Macon, Marengo, Perry, Pickens, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa and Wilcox shall have each two rep-
repre\n\nrepresentatives; the county of Madison shall have three representa\n\natives; the counties of Dallas and Montgomery shall have each four representatives, and the county of Mobile shall have five representatives.

Sec. 7. Until the General Assembly shall divide the State into senatorial districts as herein provided, the senatorial districts shall be as follows:

First district, Lauderdale and Limestone; second district, Colbert and Lawrence; third district, Morgan, Winston and Blount; fourth district, Madison; fifth district, Marshall, Jackson and DeKalb; sixth district, Cherokee, Etowah and St. Clair; seventh district, Calhoun and Cleburne; eighth district, Talladega and Clay; ninth district, Randolph and Chambers; tenth district, Macon and Tallapoosa; eleventh district, Bibb and Tuscaloosa; twelfth district, Franklin, Marion, Fayette and Sanford; thirteenth district, Walker, Jefferson and Shelby; fourteenth district, Greene and Pickens; fifteenth district, Coosa, Elmore and Chilton; sixteenth district, Lowndes and Autauga; seventeenth district, Butler and Con\nceuh; eighteenth district, Perry; nineteenth district, Choctaw, Clarke and Washington; twentieth district, Marengo; twenty-first district, Monroe, Escambia and Baldwin; twenty-second district, Wilcox; twenty-third district, Henry, Coffee, Dale and Geneva; twenty-fourth district, Barbour; twenty-fifth district, Pike, Crenshaw and Covington; twenty-sixth district, Bullock; twenty-seventh district, Lee; twenty-eighth district, Montgomery; twenty-ninth district, Russell; thirtieth district, Dallas; thirty-first district, Sumter; thirty-second district, Hale; thirty-third district, Mobile.

ARTICLE X.

TAXATION.

Sec. 1. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property; Provided, however, the General Assembly may levy a poll tax, not to exceed one dollar and fifty cents on each poll, which shall be applied exclusively in aid of the public school fund in the county so paying the same.

Sec. 2. No power to levy taxes shall be delegated to indi\n\n\nviduals or private corporations.

Sec. 3. After the ratification of this constitution; no new debt shall be created against or incurred by this State or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the General Assembly, and the vote shall be
taken by yeas and nays and entered on the journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; Provided, the Governor may be authorized to negotiate temporary loans, never to exceed $100,000, to meet deficiencies in the treasury, and until the same is paid no new loan shall be negotiated. Provided further, that this section shall not be so construed as to prevent the issuance of bonds in adjustment of existing State indebtedness.

Sec. 4. The General Assembly shall not have the power to levy, in any one year, a greater rate of taxation than three-fourths of one per centum on the value of the taxable property within this State.

Sec. 5. No county in this State shall be authorized to levy a larger rate of taxation, in any one year, on the value of the taxable property therein, than one-half of one per centum; Provided, that to pay debts existing at the ratification of this constitution, an additional rate of one fourth of one per centum may be levied and collected, which shall be exclusively appropriated to the payment of such debts or the interest thereon. Provided further, that to pay any debt or liability now existing against any county, incurred for the erection of the necessary public buildings or other ordinary county purposes, or that may hereafter be created for the erection of necessary public buildings or bridges, any county may levy and collect such special taxes as may have been or may hereafter be authorized by law, which taxes so levied and collected shall be applied exclusively to the purposes for which the same shall have been levied and collected.

Sec. 6. The property of private corporations, associations and individuals of this State, shall forever be taxed at the same rate; Provided, this section shall not apply to institutions or enterprises devoted exclusively to religious, educational or charitable purposes.

Sec. 7. No city, town or other municipal corporation other than provided for in this article, shall levy or collect a larger rate of taxation, in any one year on the property thereof, than one-half of one per centum of the value of such property, as assessed for State taxation during the preceding year; Provided, that for the payment of debts existing at the time of the ratification of this constitution, and the interest thereon, an additional rate of one per centum may be collected, to be applied exclusively to such indebtedness.

And provided, this section shall not apply to the city of Mobile, which city may, until the 1st day of January, 1879, levy a tax not to exceed the rate of one per centum, and from
and after that time a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also, until the 1st day of January, 1879, levy a tax not to exceed the rate of one per centum, and from and after that time a tax not to exceed three-fourths of one per centum to pay the existing indebtedness of said city and the interest thereon.

Sec. 8. At the first session of the General Assembly after the ratification of this constitution, the salaries of the following officers shall be reduced at least 25 per centum, viz: Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Superintendent of Education, Judges of the Supreme and Circuit Courts, and Chancellors. And after said reduction the General Assembly shall not have the power to increase the same, except by a vote of a majority of all the members elected to each house, taken by yeas and nays and entered on the journals. Provided, this section shall not apply to any of said officers now in office.

Sec. 9. The General Assembly shall not have the power to require the counties or other municipal corporations to pay any charges which are now payable out of the State Treasury.

ARTICLE XI.

MILITIA.

Sec. 1. All able-bodied male inhabitants of this State, between the ages of 18 and 45 years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of the State.

Sec. 2. The General Assembly in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

Sec. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

Sec. 4. Volunteer organizations of infantry, cavalry and artillery may be formed in such manner and under such restrictions, and with such privileges as may be provided by law.

Sec. 5. The militia and volunteer forces shall in all cases, except treason, felony and breach of the peace, be privileged
from arrest during their attendance at muster, parades and elections, and in going to and returning from the same.

Sec. 6. The Governor shall, except as otherwise provided herein, be commander-in-chief of the militia and volunteer forces of the State except when in the service of the United States, and shall, with the advice and consent of the Senate, appoint all general officers, whose term of office shall be for four years. The Governor, the generals, and regimental and battalion commanders, shall appoint their own staffs, as may be provided by law.

Sec. 7. The General Assembly shall provide for the safe keeping of the arms, ammunition and accoutrements, military records, banners and relics of the State.

Sec. 8. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

ARTICLE XII.

EDUCATION.

Sec. 1. The General Assembly shall establish, organize and maintain a system of public schools throughout the State for the equal benefit of the children thereof, between the ages of 7 and 21 years; but separate schools shall be provided for the children of citizens of African descent.

Sec. 2. The principal of all funds arising from the sale or other disposition of lands or other property which has been or may hereafter be granted or entrusted to this State, or given by the United States for educational purposes, shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific objects of the original grants or appropriations.

Sec. 3. All lands or other property given by individuals or appropriated by the State for educational purposes, and all estates of deceased persons who die without leaving a will or heir, shall be faithfully applied to the maintenance of the public schools.

Sec. 4. The General Assembly shall also provide for the levying and collection of an annual poll tax, not to exceed one dollar and fifty cents on each poll, which shall be applied to the support of the public schools in the counties in which it is levied and collected.

Sec. 5. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States Government, and the funds enumerated in sections three and four of this article, with such other moneys,
to be not less than one hundred thousand dollars per annum, as
the General Assembly shall provide by taxation or otherwise,
shall be applied to the support and maintenance of the public
schools, and it shall be the duty of the General Assembly to
increase, from time to time, the public school fund, as the con-
dition of the treasury and the resources of the State will
admit.

Sec. 6. Not more than four per cent. of all moneys raised,
or which may hereafter be appropriated for the support of
public schools shall be used or expended otherwise than for
the payment of teachers employed in such schools; Provided,
That the General Assembly may, by a vote of two-thirds of
each house, suspend the operation of this section.

Sec. 7. The supervision of the public schools shall be
vested in a superintendent of education, whose powers, duties,
term of office and compensation shall be fixed by law. The
superintendent of education shall be elected by the qualified
voters of the State, in such manner and at such time as shall
be provided by law.

Sec. 8. No money raised for the support of the public
schools of the State shall be appropriated to or used for the
support of any sectarian or denominational school.

Sec. 9. The State University, and the Agricultural and Me-
chanical College, shall, each, be under the management and con-
trol of a Board of Trustees. The Board for the University shall
consist of two members from the congressional district in
which the University is located, and one from each of the
other congressional districts in the State. The Board for the
Agricultural and Mechanical College shall consist of two
members from the congressional district in which the college
is located, and one from each of the other congressional dis-
tricts in the State. Said trustees shall be appointed by the
Governor, by and with the advice and consent of the Senate,
and shall hold office for a term of six years, and until their
successors shall be appointed and qualified. After the first
appointment each board shall be divided into three classes, as
nearly equal as may be. The seats of the first class shall be
vacated at the expiration of two years, and those of the second
class in four years, and those of the third class at the end of
six years from the date of appointment, so that one-third
may be chosen biennially. No trustee shall receive any pay
or emolument other than his actual expenses incurred in the
discharge of his duties as such. The Governor shall be ex
officio President, and the Superintendent of Education ex offi-
cio a member of each of said boards of trustees.

Sec. 10. The General Assembly shall have no power to
change the location of the State University, or the Agricultural and Mechanical College, as now established by law, except upon a vote of two-thirds of the members of the General Assembly, taken by yeas and nays and entered upon the journals.

Sec. 11. The provisions of this article, and of any act of the General Assembly passed in pursuance thereof, to establish, organize and maintain a system of public schools throughout the State, shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portion of the funds to which said county will be entitled for school purposes, and to make reports to the superintendent of education as may be prescribed by law. And all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county, shall remain undisturbed until otherwise provided by the General Assembly; Provided, That separate schools for each race shall always be maintained by said school authorities.

ARTICLE XIII.

CORPORATIONS—PRIVATE CORPORATIONS.

Section 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal, manufacturing, mining, immigration, industrial and educational purposes, or for constructing canals, or improving navigable rivers and harbors of this State, and in cases where, in the judgment of the General Assembly, the objects of the corporation can not be attained under general laws. All general laws and special acts passed pursuant to this section, may be altered, amended or repealed.

Sec. 2. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the ratification of this constitution, shall thereafter have no validity.

Sec. 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

Sec. 4. No foreign corporation shall do any business in this State without having at least one known place of busi-
ness, and an authorized agent or agents therein, and suc-
corporation may be sued in any county where it does busi-
ness, by service of process upon an agent anywhere in this
State.

Sec. 5. No corporation shall engage in any business other
than that expressly authorized in its charter.

Sec. 6. No corporation shall issue stock or bonds, except
for money, labor done, or money or property actually re-
ceived; and all fictitious increase of stock or indebtedness
shall be void. The stock and bonded indebtedness of cor-
porations shall not be increased, except in pursuance of gen-
eral laws, nor without the consent of the persons holding the
larger amount in value of stock, first obtained at a meeting
to be held after thirty days notice given in pursuance of
law.

Sec. 7. Municipal and other corporations and individuals,
invested with the privilege of taking private property for pub-
lic use, shall make just compensation for the property taken,
injured, or destroyed by the construction or enlargement of
its works, highways or improvements, which compensa-
tion shall be paid before such taking, injury or destruc-
tion. The General Assembly is hereby prohibited from de-
priving any person from an appeal from any preliminary
assessment of damages against any such corporations or indi-
viduals made by viewers or otherwise; and the amount of
such damages in all cases of appeal shall, on the demand of
either party, be determined by a jury according to law.

Sec. 8. Dues from private corporations shall be secured
by such means as may be prescribed by law, but in no case
shall any stockholder be individually liable otherwise than for
the unpaid stock owned by him or her.

Sec. 9. No corporation shall issue preferred stock without
the consent of the owners of two-thirds of the stock of said
corporation.

Sec. 10. The General Assembly shall have the power to
alter, revoke or amend any charter of incorporation now ex-
isting, and revocable at the ratification of this constitution, or
any that may hereafter be created, whenever in their opinion
it may be injurious to the citizens of the State, in such man-
ner, however, that no injustice shall be done to the corpora-
tors. No law hereafter enacted shall create, renew or extend
the charter of more than one corporation.

Sec. 11. Any association or corporation organized for the
purpose, or any individual, shall have the right to construct
and maintain lines of telegraph within this State, and con-
nect the same with other lines, and the General Assembly
shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire, by purchase, or otherwise, any other competing line of telegraph.

Sec. 12. All corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 13. The term corporation, as used in this article, shall be construed to include all joint stock companies, or any associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships.

BANKS AND BANKING.

Sec. 14. The General Assembly shall not have the power to establish or incorporate any bank, or banking company, or monied institution for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this constitution.

Sec. 15. No bank shall be established otherwise than under a general banking law, as provided in the thirteenth section of this article, nor otherwise than upon a specie basis.

Sec. 16. All bills, or notes issued as money, shall be, at all times, redeemable in gold or silver, and no law shall be passed sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payment.

Sec. 17. Holders of bank notes, and depositors, who have not stipulated for interest, shall, for such notes and deposits, be entitled, in case of insolvency, to the preference of payment over all other creditors.

Sec. 18. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless the General Assembly shall extend the time, and promptly thereafter close its business; but shall have corporate capacity to sue, and shall be liable to suit, until its affairs and liabilities are fully closed.

Sec. 19. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

Sec. 20. The State shall not be a stockholder in any bank, nor shall the credit of the State ever be given, or loaned, to any banking company, association, or corporation.
RAILROADS AND CANALS.

Sec. 21. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points in this State, and to connect, at the State line, with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport, each, the other's freight, passengers, and cars, loaded or empty, without delay or discrimination.

Sec. 22. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freights and passenger tariffs on railroads, canals and rivers in this State.

Sec. 23. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the General Assembly, or to any person holding office under this State or the United States.

Sec. 24. No street passenger railway shall be constructed within the limits of any city or town, without the consent of its local authorities.

Sec. 25. No railroad, canal, or other transportation company, in existence at the time of the ratification of this constitution, shall have the benefit of any future legislation by general or special laws, other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all the provisions of this article.

ARTICLE XIV.

EXEMPTED PROPERTY.

Sec. 1. The personal property of any resident of this State to the value of $1,000, to be selected by such resident, shall be exempted from sale on execution, or other process of any court, issued for the collection of any debt contracted since the 13th day of July, 1868, or after the ratification of this constitution.

Sec. 2. Every homestead, not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village, or in lieu thereof, at the option of the owner, any lot in the city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not
exceeding the value of two thousand dollars, shall be exempt from sale on execution or any other process from a court, for any debt contracted after the adoption of this constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of such homestead, by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife of the same.

SEC. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted after the adoption of this constitution, in all cases, during the minority of the children.

SEC. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer’s lien for work done and performed for the person claiming such exemption, or a mechanic’s lien for work done on the premises.

SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt, and the rents and profits thereof shall inure to her benefit.

SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations and engagements of her husband, and may be devised or bequeathed by her the same as if she were a femme sole.

SEC. 7. The right of exemptions hereinbefore secured, may be waived by an instrument in writing, and when such waiver relates to reality, the instrument must be signed by both the husband and wife, and attested by one witness.

ARTICLE XV.

OATH OF OFFICE.

SEC. 1. All members of the General Assembly, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation, to-wit:

"I, ———, solemnly swear [or affirm, as the case may be,] that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God."

Which oath may be administered by the presiding officer
of either house of the General Assembly, or any officer au-
thorized by law to administer an oath.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

Sec. 1. No person holding an office of profit under the
United States, except postmasters whose annual salary does
not exceed two hundred dollars, shall, during his continuance
in such office, hold any office of profit under this State; nor
shall any person hold two offices of profit at one and the
same time under this State, except justices of the peace, con-
stables, notaries public and commissioners of deeds.

Sec. 2. It is made the duty of the General Assembly to
enact all laws necessary to give effect to the provisions of this
Constitution.

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION.

Sec. 1. The General Assembly may, whenever two-thirds of
each house shall deem it necessary, propose amendments to
this constitution, which, having been read three times on
three successive days, shall be duly published, in such man-
ner as the General Assembly may direct, at least three months
before the next general election for representatives, for the
consideration of the people; and it shall be the duty of the
several returning officers, at the next general election which
shall be held for representatives, to open a poll for the vote
of the qualified electors on the proposed amendments, and to
make a return of said vote to the Secretary of State; and if
it shall thereupon appear that a majority of all the qualified
electors of the State, who voted for representatives, voted in
favor of the proposed amendments, said amendments shall
be valid to all intents and purposes as parts of this constitu-
tion, and the result of such election shall be made known by
proclamation of the Governor.

Sec. 2. No convention shall hereafter be held for the pur-
pose of altering or amending the constitution of this State,
unless the question of convention or no convention shall be
first submitted to a vote of all the electors twenty-one years
of age and upwards, and approved by a majority of electors
voting at said election.
MEMORIAL.

To the Honorable the Senate and
House of Representatives in Congress assembled:

The people of the State of Alabama, by their delegates in convention assembled at Montgomery, beg leave most respectfully to make this statement of facts and present this their memorial:

Many years ago, by acts of congress, the 16th section of each township of the public lands lying in Alabama, was granted to the people of such township, to be held or to be disposed of in the manner prescribed in said acts, and the proceeds thereof to be held for aiding in establishing and sustaining public schools for the education of the youth in such township. In conformity with the provisions of said grant, a considerable portion of said lands are still unsold, but far the larger portion thereof has been sold, and the proceeds of such sale been merged into the general fund of the State, and is now held in trust by the State for the people of said townships. The annual income arising from the interest, at 8 per cent. per annum, on such proceeds, is the sum of $139,216, all of which has been faithfully applied to the purposes provided in the grant. During the past year the people of Alabama added to this sum, by taxation and other sources of income, a large amount, which added thereto, makes the sum of $562,000, which has been raised, and used in carrying on a system of free public schools, with the most gratifying results. When the money arising from the sale of these sixteenth section lands was realized, and when all other trust funds held by the State for educational purposes came into the State treasury, they were used and expended by the State, so that the interest to be paid on these trust funds in the hands of the State must be paid annually out of sums collected as taxes from the people, as well as the other moneys appropriated to school purposes.

There are in the State, between the ages of five and twenty-one years, 427,000 children to be educated, and their education must be provided for by taxation of a people whose taxable property, real and personal, for the year 1874, was ascertained to be only $159,000,000. When it is considered that our State is burdened with liabilities aggregating but little less than $30,000,000, and that nearly one-half of the popula-
tion are without education, having but recently emerged from a condition of slavery, it will be seen that the burden of providing for such a system of education as will supply the imperative wants of the people is a very heavy one; that in the present impoverished and prostrate condition of the people it is impossible fully to meet the want. It is greatly desired that the efficiency and power for the good of our free school system should be increased. Unless this can be done we greatly fear that large numbers of our youth will necessarily grow up without adequate provision for such moral and mental development as to make them intelligent and useful citizens. Our people by the accidents of war, and the necessary results of a complete revolution of the labor system and a radical change in the social organization, have become so impoverished that they cannot now sustain schools by any voluntary system, and inasmuch as the fund now available to the State to supply the want are insufficient, the consequences to the future prosperity and culture of the people is a matter of grave concern, not only to the citizens of this State but to all the people of the United States.

We, therefore, most respectfully ask that Congress make provision for our educational wants by grants of lands, or the proceeds of the sale thereof, of one additional section to each township in the State, with such restrictions as to the mode of disposing of such proceeds and a proper application of the same as may seem advisable. By such manifestations of liberality and kind provisions for the wants of our people in this their extremity, the greatest good will result not alone in the actual and immediate benefit, but in their permanent and consequent advancement.

And further, that by an Act of Congress approved many years ago, a large number of acres of land, seventy-two sections, was granted to the State of Alabama, the proceeds of the sale of which were to be used in founding and maintaining a University for giving instruction in the higher branches of education. In accordance with the terms of the grant said lands were sold in great part, and out of the proceeds of such sale the University of Alabama was founded and located in the city of Tuscaloosa, in the year 1831. Suitable buildings were erected, a costly chemical and philosophical apparatus, a valuable and complete cabinet of fossils and minerals, an observatory with many valuable astronomical instruments, and a library of many thousand rare and valuable books were provided, and the University at once entered upon a long and prosperous career of usefulness. From 1831 to 1865 thousands of the youth of this and adjoining States received instruction in its ample halls, and reaped rich harvests of intel-
lectual wealth. But war between the States came on, the passions of men became aroused, and on the 3d day of April, 1865, the University, with its splendid buildings, library, cabinet and apparatus, were destroyed by fire, under order from the commander of some of the Federal troops. Without making any question as to whether this destruction was made in accordance with the rules and laws of war, and whether it was a commendable or censurable act, the result has been disastrous to the interests of the people, and as a matter of favor as well as justice to the people of this State, we most respectfully ask that such appropriation may be made or such lands be granted as will secure the rebuilding and replacing of said University and the said appliances. There is now a faculty of able and experienced professors in the University with a large number of students. The State has, with great effort, succeeded in erecting a building on the site of those destroyed, and in collecting a few of the appliances which the University so much needs. But the institution cannot be placed back as it was for a much less sum than $200,000. The University fund, arising from the sale of lands, as aforesaid, amounts to $300,000, which is held in trust by the State, and it is thought that if the institution can be again restored to its former condition, that the interest on this sum, together with such tuition fees as will be paid, a career of unparalleled prosperity and usefulness will be opened. The people, therefore, realizing the fact that in order to render efficient the public schools in the State, and to insure her progress in the arts and sciences, a college of the highest character and the best facilities, is all-important, respectfully and earnestly ask that said University, the creature of congressional bounty, be started again to cheer and make happy the hearts of all. Respectfully submitted,

E. A. O'NEAL, Chairman.
JOHN A. FOSTER,
GEORGE P. HARRISON, Jr.,
A. C. HARGROVE,
J. H. WHITE,
J. P. RALLS,
J. N. SWAN,
DAVID S. NOWLIN,
J. W. JONES,
B. F. WEATHERS,
R. H. POWELL,
H. J. LIVINGSTON,
H. A. CARSON,

Committee.
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D. B. Booth, Prattville.  F. S. Lyon, Demopolis.
J. E. Brown, Scottsboro.  A. Martin, Birmingham.
W. C. Bulger, Wetumpka.  R. A. McClellan, Tuscumbia.
Wm. Burgess, Pleasant Site.  J. A. Meadows, Dadeville.
T. J. Burton, Edwardsville.  W. S. Mudd, Elyton.
P. M. Callaway, Newton.  J. D. Murphree, Troy.
H. A. Carson, Hayneville.  W. A. Musgrove, Mont Calm.
Wiley Coleman, Eutaw.  F. A. Nisbett, Oswichee.
Samuel Forwood, Gosport.  I. H. Parks, Rutledge.
J. T. Foster, Greensboro.  A. W. Plowman, Talladega.
John Gamble, Greenville.  R. H. Powell, Union Springs.
Charles Gibson, Moulton.  S. T. Prince, Mt. Sterling.
M. Gilbreath, Guntersville.  J. L. Pugh, Eufaula.
A. C. Gordon, Abbeville.  J. P. Ralls, Gadsden.
Wm. Green, Isney.  J. D. Rather, Tuscumbia.
John Green, Burnt Corn.  S. F. Rice, Montgomery.
A. H. Gullett, Camden.  E. G. Richards, LaFayette.
W. M. Hames, Jacksonville.  J. G. Robinson, Brooklyn.
A. C. Hargrove, Tuscaloosa.
Geo. P. J. Harrison, Auburn.
John T. Heflin, Talladega.
T. H. Herndon, Mobile.
John B. Hudson, Leon.
A. J. Ingle, Lavissa.
J. W. Inzer, Ashville.
B. Johnston, Greensboro.
B. F. Johnston, Tuskegee.
J. W. Jones, Decatur.
J. B. Kelly, Kelton.
R. H. Knox, Montgomery.
C. C. Langdon, Mobile.

W. J. Samford, Opelika.
S. S. Scott, Uchee.
W. A. Smith, Callierville.
A. A. Sterrett, Columbiana.
L. M. Stone, Carrolton.
J. N. Swan, Spring Garden.
F. W. Sykes, Town Creek.
C. B. Taylor, Roanoke.
R. C. Torrey, Claiborne.
B. F. Weathers, Roanoke.
J. H. White, Ashland.
E. D. Willett, Carrolton.
H. A. Woolf, Linden.

B. H. Screws, Secretary, Montgomery.
T. H. Watts, Jr., Ass't Sec.