

CONSTITUTION OF THE STATE OF KENTUCKY.

ARTICLE I.

Concerning the Distribution of the Powers of the Government.

Section 1. The powers of the government of the state of Kentucky shall be divided into three distinct departments, and each of them 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 judiciary, to another.

Sec. 2. No person, or collection of persons, being 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 II.

Concerning the Legislative Department.

Sec. 1. The legislative power of this commonwealth shall be vested in two distinct branches; the one to be styled the house of representatives, the other the senate, and both together, the general assembly of the commonwealth of Kentucky.

Sec. 2. The members of the house of representatives shall continue in service for the term of one year from the day of the commencement of the general election, and no longer.

Sec. 3. Representatives shall be chosen on the first Monday in the month of August in every year; but the presiding officers of the several elections shall continue the same for three days, at the request of any one of the candidates.

Sec. 4. No person shall be a representative, who at the time of his election is not a citizen of the United States, and hath not attained to the age of twenty-four years, and resided in this state two years next preceding his election, and the last year thereof in the county or town for which he may be chosen.

Sec. 5. Elections for representatives for the several counties entitled to representation, shall be held at the places of holding their respective courts, or in the several election precincts into which the legislature may think proper, from time to time, to divide any or all of those counties: Provided, that when it shall appear to the Legislature that any town hath a number of qualified voters equal to the ratio then fixed, such town shall be invested with the privilege of a separate representation, which shall be retained so long as such town shall contain a number of qualified voters equal to the ratio which may from time to time be fixed by law, and thereafter elections for the county in which such town is situated, shall not be held therein.

Sec. 6. Representation shall be equal and uniform in this commonwealth; and shall be forever regulated and ascertained by the number of qualified electors therein. In the year eighteen hundred and three, and every fourth year thereafter, an enumeration of all the free male inhabitants of the state, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, in the several years of making these enumerations, be so fixed as not to be less than fifty-eight, nor more than one hundred, and they shall be apportioned for the four years next following, as near as may be, among the several counties and towns, in proportion to the number of qualified electors; but, when a county may not have a sufficient number of qualified electors to entitle it to one representative, and when the adjacent county or counties may not have a residuum or residuums, which, when added to the small county would entitle it to a separate representation, it shall then be in the power of the legislature to join two or more together, for the purpose of sending a representative. Provided, that when there are two or more counties adjoining which have residuums over & above the ratio then fixed by law, if said residuums when added together will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

Sec. 7. The house of representatives shall choose its speaker and other officers.

Sec. 8. In all elections for representatives, every free male citizen (negroes, mulattoes and Indians excepted) who at the time being, hath attained to the age of twenty-one years, and resided in the state two years, or the county or town in which he offers to vote, one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as herein otherwise provided. Electors shall in all cases, except treason, felony, breach of surety of the peace, be privileged from arrest, during their attendance at, going to, & returning from elections.

Sec. 9. The members of the senate shall be chosen for the term of four years; and when assembled shall have the power to choose its officers annual-

ly, and by lot, as equally as may be, into four classes:—the seats of the senators of the first class, shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; of the third class at the expiration of the third year; and of the fourth class at the expiration of the fourth year; so that one fourth shall be chosen every year, and a rotation thereby kept up perpetually.

Sec. 11. The senate shall consist of twenty-four members at least, and for every three members above fifty-eight, which shall be added to the house of representatives, one member shall be added to the senate.

Sec. 12. The same number of senatorial districts shall, from time to time, be established by the legislature, as there may then be senators allotted to the state; which shall be so formed as to contain, as near as may be, an equal number of free male inhabitants in each, above the age of twenty-one years, and so that no county shall be divided, or form more than one district; and where two or more counties compose a district, they shall be adjoining.

Sec. 13. When an additional senator may be added to the senate, he shall be annexed by lot to one of the four classes, so as to keep them as nearly equal in number as possible.

Sec. 14. One senator for each district shall be elected by those qualified to vote for representatives therein, who shall give their votes at the several places in the counties or towns, where elections are by law directed to be held.

Sec. 15. No person shall be a senator, who, at the time of his election, is not a citizen of the United States, and who hath not attained to the age of thirty-five years, and resided in this state six years next preceding his election, and the last year thereof in the district from which he may be chosen.

Sec. 16. The first election for senators shall be general throughout the state, and at the same time that the general election for representatives is held; and thereafter, there shall, in like manner, be an annual election for senators, to fill the places of those whose time of service may have expired.

Sec. 17. The general assembly shall convene on the first Monday in the month of November in every year, unless a different day be appointed by law; and their sessions shall be held at the seat of government.

Sec. 18. Not less than a majority of the members of each house of the general assembly shall constitute a quorum to do business; but a smaller number may attend from day to day, and shall be authorized by law to compel the attendance of absent members in such manner, and under such penalties as may be prescribed thereby.

Sec. 19. Each house of the general assembly shall judge of the qualifications, eligibility and returns of its members; but the contested election shall be determined in such manner as shall be directed by law.

Sec. 20. Each house of the general assembly may determine the rules of its proceedings; punish a member for disorderly behaviour; and with the concurrence of two thirds, expel a member, but not a second time for the same cause.

Sec. 21. Each house of the general assembly shall keep and publish weekly, a journal of its proceedings; and the yeas and nays of the members on any question, shall at the desire of any two of them, be entered on their journal.

Sec. 22. Neither house, during the session of the general assembly, 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. 23. The members of the general assembly shall severally receive from the public treasury, a compensation for their services, which shall be one dollar and a half a day, during their attendance on, going to, and returning from the sessions of their respective houses: Provided, that the same may be increased or diminished by law; but no alteration shall take effect during the session at which such alteration shall be made.

Sec. 24. The members of the general assembly shall, in all cases, except treason, felony, breach of surety 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. 25. No senator or representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the time such senator or representative was in office, except to such offices or appointments as may be made or filled by the elections of the people.

Sec. 26. No person, while he continues to exercise the functions of a clergyman, priest or teacher of any religious persuasion, society or sect; nor whilst he holds or exercises any office of profit under this commonwealth, shall be eligible to the general assembly; except attorneys at law, justices of the peace, and militia officers: Pro-

vided, that justices of the courts of quarter sessions shall be ineligible, so long as any compensation may be allowed them for their services: Provided also, that attorneys for the commonwealth, who receive a fixed annual salary from the public treasury, shall be ineligible.

Sec. 27. No person who at any time may have been a collector of taxes for the state or the assistant or deputy of such collector, shall be eligible to the general assembly until he shall have obtained a quietus for the amount of such collection, and for all public monies for which he may be responsible.

Sec. 28. No bill shall have the force of a law, until on three several days, it be read over in each house of the general assembly, and free discussion allowed thereon; unless in cases of urgency, four fifths of the house, where the bill shall be depending, may deem it expedient to dispense with this rule.

Sec. 29. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills: Provided that they shall not introduce any new matter, under the colour of an amendment, which does not relate to raising a revenue.

Sec. 30. The general assembly shall regulate by law, by whom, and in what manner, writs of election shall be issued to fill the vacancies which may happen in either branch thereof.

ARTICLE III.

Concerning the Executive Department.

Sec. 1. The supreme executive power of the commonwealth shall be vested in a chief magistrate, who shall be styled the governor of the commonwealth of Kentucky.

Sec. 2. The governor shall be elected for the term of four years by the citizens entitled to suffrage, at the time and place where they shall respectively vote for representatives. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot, in such manner as the legislature may direct.

Sec. 3. The governor shall be ineligible for the succeeding seven years, after the expiration of the time for which he shall have been elected.

Sec. 4. He shall be at least thirty-five years of age, and a citizen of the United States, and have been an inhabitant of this state at least six years next preceding his election.

Sec. 5. He shall commence the execution of his office on the fourth Tuesday succeeding the day of the commencement of the general election on which he shall be chosen, and shall continue in the execution thereof until the end of four weeks next succeeding the election of his successor, and until his successor shall have taken the oaths or affirmations prescribed by this constitution.

Sec. 6. No member of congress, or person holding any office under the United States, nor minister of any religious society, shall be eligible to the office of governor.

Sec. 7. The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished, during the term for which he shall have been elected.

Sec. 8. He shall be commander in chief of the army and navy of this commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless he shall be advised so to do, by a resolution of the general assembly.

Sec. 9. He shall nominate, and, by and with the advice and consent of the senate, appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for: Provided, that no person shall be so appointed to an office within any county, who shall not have been a citizen & inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties from which it shall have been taken: Provided also, that the county courts be authorized by law to appoint inspectors, collectors and their deputies, surveyors of the high ways, constables, jailors and such other inferior officers, whose jurisdiction may be confined within the limits of a county.

Sec. 10. The governor shall have power to fill up vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session.

Sec. 11. He shall have power to remit fines & forfeitures, grant reprieves and pardons, except in cases of impeachment. In cases of treason he shall have power to grant reprieves until the end of the next session of the general assembly, in which the power of pardoning shall be vested.

Sec. 12. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

Sec. 13. He shall, from time to time, give to the general assembly information of the state of the commonwealth,

and recommend to their consideration such measures as he shall deem expedient.

Sec. 14. He may, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding 4 months.

Sec. 15. He shall take care that the laws be faithfully executed.

Sec. 16. A lieutenant-governor shall be chosen at every election for a governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant-governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant-governor.

Sec. 17. He shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects; and when the senate are equally divided, to give the casting vote.

Sec. 18. In case of the impeachment of the governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the lieutenant-governor shall exercise all the power and authority appertaining to the office of governor, until another be duly qualified, or the governor, absent or impeached, shall return or be acquitted.

Sec. 19. Whenever the government shall be administered by the lieutenant-governor, or shall be unable to attend as speaker of the senate, the senators shall elect one of their own members as speaker, for that occasion. And if, during the vacancy of the office of governor, the lieutenant-governor shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the speaker of the senate shall in like manner, administer the government.

Sec. 20. The lieutenant-governor, while he acts as speaker to the senate, shall receive for his services the same compensation, which shall for the same period be allowed to the speaker of the house of representatives, and no more; and during the time he administers the government as governor, shall receive the same compensation which the governor would have received and been entitled to, had he been employed in the duties of his office.

Sec. 21. The speaker pro-tempore of the senate, during the time he administers the government, shall receive in like manner the same compensation which the governor would have received, had he been employed in the duties of his office.

Sec. 22. If the lieutenant-governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state during the recess of the general assembly, it shall be the duty of the secretary, for the time being, to convene the senate for the purpose of choosing a speaker.

Sec. 23. An attorney general, and such other attorneys for the commonwealth as may be necessary, shall be appointed, whose duty shall be regulated by law. Attorneys for the commonwealth for the several counties shall be appointed by the respective courts having jurisdiction therein.

Sec. 24. A secretary shall be appointed and commissioned during the term for which the governor shall have been elected, if he shall so long behave himself well. He shall keep a fair register, and attest all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either house of the general assembly, and shall perform such other duties as may be enjoined him by law.

Sec. 25. Every bill which shall have passed both houses shall be presented to the governor; if he approve 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 their journal, and proceed to reconsider it; if, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall likewise be considered; and if approved by a majority of all the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be determined by yeas & nays, and the names of the persons voting for, and against the bill, shall be entered on the journal of each house respectively; if any bill shall not be returned by the governor, within ten days (Sundays excepted) after it shall have been presented to him, it 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 be a law, unless sent back within three days after their next meeting.

Sec. 26. Every order, resolution or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, shall be presented to the governor, and before it

shall take effect, be approved by him, or, being disapproved, shall be re-passed by a majority of all the members elected to both houses, according to the rules and limitations prescribed in case of a bill.

Sec. 27. Contested elections for a governor and lieutenant-governor, shall be determined by a committee to be selected from both houses of the general assembly, and formed and regulated in such manner as shall be directed by law.

Sec. 28. The freemen of this commonwealth (Negroes, Mulattoes and Indians excepted) shall be armed and disciplined for its defence. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 29. The commanding officers of the respective regiments shall appoint their regimental staff; brigadier-generals, their brigade majors; major-generals, their aids; and captains, the non-commissioned officers of companies.

Sec. 30. A majority of the field officers and captains in each regiment shall nominate the commissioned officers in each company, who shall be commissioned by the governor: Provided that no nomination shall be made, unless two at least of the field officers are present; and when two or more persons have an equal, and the highest number of votes, the field officer present, who may be highest in commission, shall decide the nomination.

Sec. 31. Sheriffs shall be hereafter appointed in the following manner:—When the time of a sheriff for any county may be about to expire, the county court for the same (a majority of all its justices being present) shall, in the months of September, October or November next preceding thereto, recommend to the governor two proper persons to fill the office, who are then justices of the county court; and who shall in such recommendation pay a just regard to seniority in office and a regular rotation.—One of the persons so recommended shall be commissioned by the governor, and shall hold his office for two years, if he so long behave well, and until a successor be duly qualified. If the county courts shall omit in the months aforesaid to make such recommendation, the governor shall then nominate, and by and with the advice and consent of the senate, appoint a fit person to fill such office.

(To be continued.)

A List of Letters

REMAINING in the Post Office at Winchester, Ky. on the 31st of March, 1817, which if not taken out in three months, will be sent to the General Post Office as dead letters.

Aldridge Elijah	Hollaway Elizabeth
Atchley Joseph	Harvice William
Adams Mary, or Henry	Holladay Elizabeth
Fritis	Jenkins James
Armstrong William	K
Anderson William	Keas Isaac 2
Ashburn John	Kincaid John
B	Kavanaugh Th W
Barr Catherine	King James
Bartlett William	L
Bush Fielding	Lampton Joshua 2.
Blackwell James	Lockett Benjamin B
Baber Obadiah	Landrum Thomas
Biba William	Lyon Elijah 2
Barr James	Latham William
Boatwright James	M
Bristow John S	Martin John 2
Brown William	Matthews Nancy
Buchannon Jos Dr 2	M'Conky Mary
Barns John	M'Millan Wm Col
Butler Edmund	M'Ferrin Robert
Bruner John	O
C	Owens Horatio
Christy Ambrose Esq	P
Chrothwait Elijah	Potts Samuel
Cairy Ludwell	Parrish John
Clerk of Clarke Circuit 2	R
Carter John	Ragland Mr
Cary Edward	Reed John
Carnocan William	Rogers John
D	Rippie Elizabeth
Dolley Thomas	Robb James
Dean Elizabeth	Russell Philip
Douglas Joseph	Robertson James
Dawson Stephen	Rash William jr
Daniel Jane	Richards Robert
E	Ienick George
Elliott Katherine	Smith Mr
F	Sympson James
Faudre Yachel	Scantling Elizabeth
Fishback Jacob	Sheriff of Clarke
G	Sidnee Martin
Gist Henry C S	Smith David
Gentry Moses	Stephenson Charles
Greening Reub	Shackleford James
Geddings George	T
Goldsmith George	Tanner William
H	Taylor Hannah F
Hanks Absalom 2	Trigg Christopher
Haggard Bartlett	Tuggle Nahala
Halliday James	W
Haley William	Watts Nelson
Huttz John	Williams Williams
Hall Thomas	Wright Thomas
Hockaday Isaac	Webb James
Holliday George	Watts Howard
Hazlerigg William	Wilson Jacob 2
Hutchison Robert	Win David
Hood Catherine Mrs	Walker James sent
	Watt David T
	Woosley Thomas

THOMAS PICKETT, Post Master.

BEN UP, by Rector M'Carroll, living 31 miles from Winchester, on the road to Mount Sterling, one SORREL HORSE, 6 year old last spring, 24 hands high, both hind feet white, has a star and snip, and a white streak in his face, a small scar on his left shoulder—appraised to \$35.

Also, one SORREL MARE, three years old, about thirteen hands high, both hind feet white and a small star in her forehead, and some white hairs about her weathers and flanks.—Appraised to \$10 the 9th November, 1816.

BENJAMIN J. TAUL.
A copy from record.
Teste, CHRISTOPHER FRY, dc
for
JAMES P. BULLOCK, ccc