
LETTER

FROM

THOMAS WORTHINGTON,

INCLOSING AN

ORDINANCE

PASSED BY THE

Convention of the State of Ohio,

TOGETHER WITH THE

CONSTITUTION,

Formed and agreed to by the Convention for the
said State,

AND SUNDRY PROPOSITIONS

Submitted to the Congress of the United States.

23d December, 1802.

Referred to Mr. *Randolph*,
Mr. *Elmendorf*,
Mr. *Goddard*,
Mr. *Henderson*, and
Mr. *Archer*.

CITY OF WASHINGTON,
December 23d, 1802.

SIR,

I HAVE the honor to enclose to you an Ordinance passed by the Convention of the State of Ohio, together with the Constitution of that State, both of which I request you will do me the favor to lay before the House of Representatives of the United States.—Very respectfully I have the honor to be,

Your obedient Servant,

T. WORTHINGTON.

Honorable SPEAKER of the }
House of Representatives. }

CONSTITUTION

OF THE

STATE OF OHIO;

DONE IN CONVENTION, BEGUN AND HELD AT
CHILLICOTHE, ON MONDAY THE FIRST DAY
OF NOVEMBER, A. D. ONE THOUSAND EIGHT
HUNDRED AND TWO, AND OF THE INDE-
PENDENCE OF THE UNITED STATES THE
TWENTY-SEVENTH.

CONSTITUTION, &c.

WE the people of the eastern division of the territory of the United States north-west of the river Ohio, having the right of admission into the general government, as a member of the union, consistent with the constitution of the United States, the ordinance of Congress of one thousand seven hundred and eighty-seven, and the law of Congress, entitled, "An act to enable the people of the eastern division of the territory of the United States north-west of the river Ohio, to form a constitution and state government, and for the admission of such state into the union, on an equal footing with the original states, and for other purposes;" in order to establish justice, promote the welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish the following constitution or form of government, and do mutually agree with each other to form ourselves into a free and independent state, by the name of the State of OHIO.

ARTICLE I.

SEC. 1. The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives, both to be elected by the people.

SEC. 2. Within one year after the first meeting of the general assembly and within every subsequent term of four years, an enumeration of all the white male inhabitants above twenty-one years of age, shall be made in such manner as shall be di-

rected by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants above twenty-one years of age, shall be twenty two thousand, and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two.

SEC. 3. The representatives shall be chosen annually, by the citizens of each county respectively, on the second Tuesday of October.

SEC. 4. No person shall be a representative who shall not have attained the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax.

SEC. 5. The senators shall be chosen biennially by the qualified voters for representatives; and on their being convened in consequence of the first election, they shall be divided by lot, from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half thereof, as near as possible, may be annually chosen forever thereafter.

SEC. 6. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature and appor-

tioned among the several counties or districts to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one third, nor more than one half of the number of representatives.

SEC. 7. No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States, shall have resided two years in the county or district immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall moreover have paid a state or county tax.

SEC. 8. The senate and house of representatives, when assembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its members and sit upon its own adjournments, two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 9. Each house shall keep a journal of its proceedings and publish them ; the yeas and nays of the members, on any question shall, at the desire of any two of them, be entered on the journals.

SEC. 10. Any two members of either house shall have liberty to dissent from and protest against any act or resolution which they may think injurious to the public or any individual, and have the reasons of their dissent entered on the journals.

SEC. 11. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds expel a member, but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free and independent state.

SEC. 12. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies.

SEC. 13. Senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the general assembly, 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. 14. Each house may punish, by imprisonment during their session, any person not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behaviour in their presence, provided such imprisonment shall not, at any one time, exceed twenty-four hours.

SEC. 15. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. Bills may originate in either house, but may be altered, amended, or rejected by the other.

SEC. 17. Every bill shall be read on three different days in each house, unless in case of urgency three fourths of the house where such bill is so depending shall deem it expedient to dispense with this rule : And every bill having passed both houses, shall be signed by the speakers of their respective houses.

SEC. 18. The stile of the laws of this state shall be, "*Be it enacted by the General Assembly of the state of Ohio.*"

SEC. 19. The legislature of this state shall not allow the following officers of government greater annual salaries than as follows, until the year one thousand eight hundred and eight, to wit: The governor not more than one thousand dollars; the judges of the supreme court not more than one thousand dollars each; the presidents of the courts of common pleas not more than eight hundred dollars each; the secretary of state not more than five hundred dollars; the auditor of public accounts not more than seven hundred and fifty dollars; the treasurer not more than four hundred and fifty dollars: No member of the legislature shall receive more than two dollars per day, during his attendance on the legislature, nor more for every twenty-five miles he shall travel in going to and returning from the general assembly.

SEC. 20. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time.

SEC. 21. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

SEC. 22. An accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws annually.

SEC. 23. The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be convicted without the concurrence of two thirds of all the senators.

Sec. 24. The governor and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, profit or trust, under this state. The party whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment, according to law.

Sec. 25. The first session of the general assembly shall commence on the first Tuesday of March next, and forever after the general assembly shall meet on the first Monday of December in every year, and at no other period, unless directed by law or provided for by this constitution.

Sec. 26. No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff or collector, member of either house of Congress, or person holding any office under the authority of the United States, or any lucrative office under the authority of this state (provided that appointments in the militia or justices of the peace shall not be considered lucrative offices) shall be eligible as a candidate for, or have a seat in, the general assembly.

Sec. 27. No person shall be appointed to any office, within any county, who shall not have been a citizen, and inhabitant therein, one year next before his appointment, if the county shall have been so long erected; but if the county shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Sec. 28. No person who heretofore hath been, or hereafter may be, a collector or holder of public monies, shall have a seat in either house of the general assembly, until such person shall have

accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

ARTICLE II.

SEC. 1. The supreme executive power of this state shall be vested in a governor.

SEC. 2. The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places, and in the same manner that they shall respectively vote for members thereof. The returns of every election for governor shall be sealed up and transmitted to the seat of government by the returning officers, directed to the speaker of the senate, who shall open and publish them in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law.

SEC. 3. The first governor shall hold his office until the first Monday of December, one thousand eight hundred and five, and until another governor shall be elected and qualified to office, and forever after the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified, but he shall not be eligible more than six years in any term of eight years.— He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this state four years next preceding his election.

SEC. 4. He 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 shall deem expedient.

SEC. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

SEC. 6. 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. 7. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. When any officer, the right of whose appointment is, by this constitution, vested in the general assembly, shall, during the recess, die, or his office by any means become vacant, the governor shall have power to fill such vacancy, by granting a commission which shall expire at the end of the next session of the legislature.

SEC. 9. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened.

SEC. 10. He shall be commander in chief of the army and navy of this state and of the militia, except when they shall be called into the service of the United States.

SEC. 11. In case of disagreement between the two Houses with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper, provided it be not a period beyond the annual meeting of the legislature.

SEC. 12. In case of the death, impeachment, resignation or removal of the governor from office, the speaker of the senate shall exercise the office of governor, until he be acquitted or another governor shall be duly qualified. In case of the impeachment of the speaker of the senate, or his death, removal from office, resignation or absence from the state, the speaker of the house of representatives shall succeed to the office and exercise the duties thereof, until a governor shall be elected and qualified.

SEC. 13. No member of Congress, or person holding any office under the United States or this state, shall execute the office of governor.

SEC. 14. There shall be a seal of this state, which shall be kept by the governor and used by him officially, and shall be called "*The Great Seal of the State of the Ohio.*"

SEC. 15. All grants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the governor, and counter-signed by the secretary.

SEC. 16. A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well; he shall keep a fair register of 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 branch of the legislature, and shall perform such other duties as shall be assigned him by law.

ARTICLE III.

SEC. 1. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for

each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court.

SEC. 3. The several courts of common pleas shall consist of a president and associate judges.—The state shall be divided, by law, into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in office, shall reside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas, which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law; provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents, after the term of five years.

SEC. 4. The judges of the supreme court and courts of common pleas, shall have complete criminal jurisdiction, in such cases and in such manner as may be pointed out by law.

SEC. 5. The court of common pleas in each county, shall have jurisdiction of all probate and testamentary matters, granting administration, the

appointment of guardians and such other cases as shall be prescribed by law.

SEC. 6. The judges of the court of common pleas shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of *certiorari* to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

SEC. 7. The judges of the supreme court shall, by virtue of their offices, be conservators of the peace throughout the state. The presidents of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective circuits, and the judges of the court of common pleas, shall, by virtue of their offices, be conservators of the peace in their respective counties.

SEC. 8. The judges of the supreme court, the presidents and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court and the presidents of the courts of common pleas, shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States.

SEC. 9. Each court shall appoint its own clerk for the term of seven years, but no person shall be appointed clerk except *pro tempore*, who shall not produce to the court appointing him a certificate from a majority of the judges of the supreme court that they judge him to be well qualified to execute the duties of the office of clerk to any court of the

same dignity with that for which he offers himself. They shall be removable for breach of good behaviour, at any time, by the judges of the respective courts.

SEC. 10. The supreme court shall be held once a year, in each county, and the courts of common pleas shall be holden in each county at such times and places as shall be prescribed by law.

SEC. 11. A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law.

SEC. 12. The stile of all process shall be, "*The State of Ohio*;" all prosecutions shall be carried on in the name and by the authority of the state of Ohio, and all indictments shall conclude against the peace and dignity of the same.

ARTICLE IV.

SEC. 1. In all elections, all white male inhabitants above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid or are charged with a state or county tax, shall enjoy the right of an elector, but no person shall be entitled to vote except in the county or district in which he shall actually reside at the time of the election.

SEC. 2. All elections shall be by ballot.

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

SEC. 4. The legislature shall have full power to exclude from the privilege of electing, or of being elected, any person convicted of bribery, perjury or any other infamous crime.

SEC. 5. Nothing contained in this article, shall be so construed as to prevent white male persons above the age of twenty-one years, who are compelled to labour on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector.

ARTICLE V.

SEC. 1. Captains and subalterns in the militia shall be elected by those persons in their respective company districts, subject to military duty.

SEC. 2. Majors shall be elected by the captains and subalterns of the battalion.

SEC. 3. Colonels shall be elected by the majors, captains and subalterns of the regiment.

SEC. 4. Brigadiers general shall be elected by the commissioned officers of their respective brigades.

SEC. 5. Majors general and quarter-masters general shall be appointed by joint ballot of both houses of the legislature.

SEC. 6. The governor shall appoint the adjutant general. The majors general shall appoint their aids and other division staff-officers. The brigadiers general shall appoint their brigade majors and other brigade staff-officers. The commanding officers of regiments shall appoint their adjutants, quarter-masters and other regimental staff-officers; and the captains and subalterns shall appoint their non-commissioned officers and musicians.

SEC. 7. The captains and subalterns of the artillery and cavalry shall be elected by the persons enrolled in their respective corps, and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall ap-

point their regimental staff, and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI.

SEC. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof, who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

SEC. 2. The state treasurer and auditor shall be triennially appointed by a joint ballot of both houses of the legislature.

SEC. 3. All town and township officers shall be chosen annually, by the inhabitants thereof, duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

SEC. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

SEC. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and of this state, and also an oath of office.

SEC. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money

or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise or bestow, any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

SEC. 3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

SEC. 4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

SEC. 5. That after the year one thousand eight hundred and six, whenever two thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention: and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention to consist of as many members as there be in the general assembly, to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly, who shall meet with-

in three months after the said election, for the purpose of revising, amending or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

SEC. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are as hereafter mentioned, that is to say, bounded on the East by the Pennsylvania line, on the South by the Ohio river to the mouth of the Great Miami river, on the West by the line drawn due north from the mouth of the Great Miami aforesaid, and on the North by an east and west line drawn through the southerly extreme of Lake Michigan, running east after intersecting the due north line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie, or the territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid; provided always, and it is hereby fully understood, and declared by this convention, that if the southerly bend, or extreme of Lake Michigan should extend so far south that a line drawn due east from it should not intersect Lake Erie, or if it should intersect the said Lake Erie east of the mouth of the Miami river of the Lake, then and in that case, with the assent of the Congress of the United States, the northern boundary of this state shall be established by, and extended to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the Great Miami river as aforesaid, thence north east to the territorial line, and by the said territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great, and essential principles of liberty and free government may be recognized, and for ever unalterably established, we declare,

SEC. 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform, or abolish their government, whenever they may deem it necessary.

SEC. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed out of the state, or if made in the state where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

SEC. 3. That all men have a natural and inalienable right to worship Almighty God, according to the dictates of conscience; that no human au-

thority can in any case whatever, controul or interfere with the rights of conscience ; that no man shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry against his consent, and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge, being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

SEC. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

SEC. 5. That the people shall be secure in their persons, houses, papers and possessions, from unwarrantable searches and seizures, and that general warrants whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted.

SEC. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any branch of government, or the conduct of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print, upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter publish-

ed is proper for public information, the truth thereof may always be given in evidence ; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 7. That all courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay.

SEC. 8. That the right of trial by jury shall be inviolate.

SEC. 9. That no power of suspending laws, shall be exercised, unless by the legislature.

SEC. 10. That no person arrested or confined in jail, shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment or impeachment.

SEC. 11. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face ; to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offence.

SEC. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great, and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it.

SEC. 13. Excessive bail shall not be required, excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

SEC. 14. All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. When the same undistinguishing severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offences. For the same reasons a multitude of sanguinary laws are both impolitic and unjust; the true design of all punishments being to reform, not to exterminate mankind.

SEC. 15. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 16. No *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made, and no conviction shall work corruption of blood nor forfeiture of estate.

SEC. 17. That no person shall be liable to be transported out of this state for any offence committed within the state.

SEC. 18. That a frequent recurrence to the fundamental principles of civil government, is absolutely necessary to preserve the blessings of liberty.

SEC. 19. That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

SEC. 20. That the people have a right to bear arms for the defence of themselves and the state, and as standing armies in time of peace are dangerous to liberty, they shall not be kept up, and that the military shall be kept under strict subordination to the civil power.

SEC. 21. That no person in this state, except such as are employed in the army or navy of the United States, or militia in actual service, shall be subject to corporal punishment under the military law.

SEC. 22. That no soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in the manner prescribed by law.

SEC. 23. That the levying taxes by the poll is grievous and oppressive, therefore the legislature shall never levy a poll tax for county or state purposes.

SEC. 24. That no hereditary emoluments, privileges or honors shall ever be granted or conferred by this state.

SEC. 25. That no law shall be passed to prevent the poor in the several counties and townships within this state, from an equal participation in the schools, academies, colleges and universities within this state, which are endowed, in whole or in part, from the revenue arising from the donations made by the United States for the support of schools and colleges, and the doors of the said schools, academies and universities, shall be open for the reception of scholars, students and teachers of every grade, without any distinction or preference whatever, contrary to the intent for which the said donations were made.

SEC. 26. That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies in each survey-

ed township which now is, or may hereafter be, formed in the state, an equal participation, according to their number of adherents, of the profits arising from the land granted by Congress for the support of religion, agreeably to the ordinance or act of Congress, making the appropriation.

SEC. 27. That every association of persons, when regularly formed within this state, and having given themselves a name, may, on application to the legislature, be entitled to receive letters of incorporation, to enable them to hold estates, real and personal, for the support of their schools, academies, colleges, universities, and for other purposes.

SEC. 28. To guard against the transgressions of the high powers which we have delegated, we declare, that all powers, not hereby delegated, remain with the people.



SCHEDULE

SEC. 1. That no evils or inconveniences may arise from the change of a territorial government to a permanent state government, it is declared by this convention, that all rights, suits, actions, prosecutions, claims, and contracts, both as it respects individuals and bodies corporate, shall continue as if no change had taken place in this government.

SEC. 2. All fines, penalties, and forfeitures, due and owing to the territory of the United States north-west of the river Ohio, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity, in the territory, shall pass over to the governor, or the other officers of the state, and their succes-

sors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The governor, secretary, and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said offices are superseded under the authority of this constitution.

SEC. 4. All laws and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the legislature, except so much of the act entitled, "An act regulating the admission and practice of attornies and counsellors at law;" and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practised as an attorney at law, before he can be admitted to the degree of a counsellor at law.

SEC. 5. The governor of the state shall make use of his private seal, until a state seal be procured.

SEC. 6. The President of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to proceed to the election of a governor, members of the general assembly, sheriffs and coroners, at the respective election districts in each county, on the second Tuesday of January next, which elections shall be conducted in the manner prescribed by the existing election laws of this territory, and the members of the general assembly, sheriffs and coroners, then elected, shall continue to exercise the duties of their respective offices, until the next annual or biennial election thereafter, as prescribed in this constitution, and no longer.

PROPOSITIONS, &c.

WE the Representatives of the people of the Eastern Division of the Territory North-West of the river Ohio, being assembled in Convention pursuant to an act of Congress, entitled, "An act to enable the people of the Eastern Division of the Territory North-West of the river Ohio, to form a Constitution and State Government, and for the admission of such state into the Union, on an equal footing with the original states, and for other purposes:" And having had under our consideration the propositions offered by the said act, for our free acceptance or rejection, do resolve to accept of the said propositions: provided, the following addition to, and modification of the said propositions shall be agreed to by the Congress of the United States, viz.

THAT in addition to the first proposition, securing the section No. sixteen, in every township within certain tracts to the inhabitants thereof for the use of schools, a like donation equal to the one thirty sixth part of the amount of the lands in the United States' military tract, shall be made for the support of schools within that tract, and that the like provision shall be made for the support of schools in the Virginia reservation, so far as the unlocated lands in that tract will supply the proportion aforesaid, after the warrants issued from said state have been satisfied, and also that a donation of the same kind, or such provision as Congress shall deem expedient, shall be made to the inhabitants of the Connecticut reserve.

That all the lands which may hereafter be purchased of the Indian tribes by the United States, and lying within the state of Ohio, the one thirty-sixth part shall be given as aforesaid for the support of public schools.

That all lands before mentioned to be appropriated by the United States for the support of schools, shall be vested in the Legislature of this state, in trust for said purpose.

That not less than three per cent. of the nett proceeds of the lands of the United States lying within the limits of the state of Ohio, sold and to be sold after the thirtieth day of June last, shall be applied in laying out roads within the state, under the direction of the legislature thereof.

And if the Congress of the United States shall agree to the above addition to, and modification of the said propositions, it is hereby declared and ordained, that every and each tract of land sold or to be sold by Congress, from and after the thirtieth day of June last, shall be and remain exempt from any tax laid by order or under the authority of this state, whether for state, county, township, or any other purpose whatever, for the term of five years after the day of sale, to be reckoned from the date of certificate of the first quarterly payment.

That whereas Congress by a law entitled, "An act authorising the grant and conveyance of certain lands to John Cleves Symmes, and his associates," passed the fifth day of May, 1792, did authorise the President of the United States to convey by letters patent unto the said John Cleves Symmes, and his associates, their heirs and assigns, a certain tract of land therein described, and did further authorise the President, by the act aforesaid, to grant and convey unto the said John Cleves Symmes, and his associates, their heirs and assigns in trust, for the purpose of establish-

ing an academy, and other public schools, and seminaries of learning, one complete township to be included and located, within such limits and lines of boundary as the President may judge expedient, and in pursuance thereof, the President did convey unto the said John Celves Symmes, and his associates, their heirs and assigns, by his letters patent, the aforesaid one complete township, to be located and accepted by the governor of the territory north-west of the river Ohio, and inasmuch as the township aforesaid has never been located and accepted, agreeable to the provision of the said act :

The convention recommend the following propositions to Congress as an equivalent for the one complete township aforesaid, to wit : The lots numbered 8, 11, and 26, reserved in the several townships for the future disposition of Congress, or so many of the said lots as will amount to the number contained in the aforesaid complete township, to be vested in the legislature in trust to and for the purposes for which the said township was originally intended to be designated by the legislature of this state.

Resolved, That Thomas Worthington be appointed a special agent to lay the aforesaid resolution and propositions before Congress, and that said agent do endeavour to procure the assent of Congress thereto.

Passed in Convention at Chillicothe, the 29th day of November, 1802.

EDWARD TIFFIN, *President*
of the Convention.

THOMAS SCOTT, *Secretary*.

