

Constitution 1868

Florida Constitutional Convention (1868)

Tallahassee, Florida

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CONSTITUTION, or FORM OF GOVERNMENT, for the PEOPLE OF FLORIDA

Adopted February 25, 1868

We, the people of the State of Florida, grateful to Almighty God for our freedom, in order to secure its blessings and form a more perfect government, insuring domestic tranquility, maintaining public order, perpetuating liberty and guaranteeing equal civil and political rights to all, do establish this Constitution.

Declaration of Rights

Section 1.

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

Section 2.

All political power is inherent in the people. Government is instituted for the protection, security, and benefit of its citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and no power exists with the people of this State to dissolve its connection therewith.

Section 3.

The right of trial by jury shall be secured to all and remain inviolate forever; but in all civil cases a jury trial may be waived by the parties in the manner to be prescribed by law.

Section 4.

The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of the peace and safety of the State.

Section 5.

The privilege of the writ of habeas corpus shall not be suspended unless when, in case of invasion or rebellion, the public safety may require its suspension.

Section 6.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment be inflicted, nor shall witnesses be unreasonably detained.

Section 7.

All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident, or the presumption great.

Section 8.

No person shall be tried for a capital or otherwise infamous crime, except in cases of impeachment, and in cases of the militia when in active service in time of war, or which the State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature, unless on presentment and indictment by a grand jury; and in any trial, by any court, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken without just compensation.

Section 9.

Every citizen may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or the press. In all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libelous is true, but was published for good motives, the party shall be acquitted or exonerated.

Section 10.

The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress or grievance.

Section 11.

All laws of a general nature shall have a uniform operation.

Section 12.

The military shall be subordinate to the civil power.

Section 13.

No soldier shall, in time of peace, be quartered in any house, except with the consent of the owner, nor in time of war, except in manner prescribed by law.

Section 14.

Representation shall be apportioned according to population, as well as may be, but no county shall have more than four representatives, or less than one representative, in the Assembly.

Section 15.

No person shall be imprisoned for debt, except in case of fraud.

Section 16.

No bill of attainder, or ex post facto law, or law impairing the obligations of contracts, shall ever be passed.

Section 17.

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

Section 18.

Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Section 19.

The rights of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrants issued but in probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Section 20.

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

Section 21.

This State shall ever remain a member of the American Union, the people thereof a part of the American nation, and any attempt from whatever source, or upon whatever pretense, to dissolve said Union, or to sever said nation, shall be resisted with the whole power of the State.

Section 22.

The people shall have the right to bear arms in defense of themselves and of the lawful authority of the State.

Section 23.

No preference can be given by law to any church, sect, or mode of worship.

Section 24.

This enunciation of rights shall not be construed to impair or deny others retained by the people.

**ARTICLE I.
Boundaries.**

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; then due east to the Chattahoochee river; then down the middle of said river to its confluence with the Flint river; from thence straight to the head of the St. Marys river; then down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; then southwestwardly along the edge of the Gulf Stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning.

**ARTICLE II.
Seat of Government.**

The seat of government shall be and remain permanent at the city of Tallahassee, in the county of Leon, until otherwise located by a majority vote of the Legislature, and by a majority vote of the people.

**ARTICLE III
Distribution of Powers**

The powers of the government of the State of Florida shall be divided into three departments: Legislative, Executive, and Judicial; and no person properly belonging to one of the departments shall exercise any functions appertaining to either of the others, except in those cases expressly provided for by this Constitution.

ARTICLE IV
Legislative Department.

Section 1.

The legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

Section 2.

The sessions of the Legislature shall be annual, the first session on the second Monday of June, A. D. 1868, and thereafter on the first Tuesday after the first Monday of January, commencing in the year A. D. 1869. The Governor may, in the interim, convene the same in extra session by his proclamation.

Section 3.

The members of the Assembly shall be chosen biennially, those of the first Legislature on the first Monday, Tuesday, and Wednesday of May, A. D. 1868, and thereafter on the first Tuesday after the first Monday of November, commencing with the year A. D. 1870.

Section 4.

Senators shall be chosen for the term of four years, at the same time and place as members of the Assembly; Provided, that the Senators elected at the first election from the senatorial districts designated by even numbers shall vacate their seats at the expiration of two years, and thereafter all senators shall be elected for the term of four years, so that one-half of the whole number shall be elected biennially.

Section 5.

Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent.

Section 6.

Each house shall judge of the qualifications, elections, and returns of its own members; choose its own officers, except the President of the Senate; determine the rules of its proceedings; and may punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members present, expel a member.

Section 7.

Either house, during the session, may punish by imprisonment any person not a member, who shall have been guilty of disorderly or contemptuous conduct in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

Section 8.

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 presence of absent members in such manner and under such penalties as each house may prescribe.

Section 9.

Any person who shall be convicted of embezzlement or defalcation of the funds of the State, or of having given or offered a bribe to secure his election or appointment to office, or of having received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of honor, profit, or trust in the State; and the Legislature shall, as soon as practicable, provide by law for the punishment of such embezzlement, defalcation, or bribery as a felony.

Section 10.

Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

Section 11.

The doors of each house shall be kept open during its session, except the Senate while sitting in executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

Section 12.

Any bill may originate in either house of the Legislature, and after being passed in one house may be amended in the other.

Section 13.

The enacting clause of every law shall be as follows: "The people of the State of Florida, represented in Senate and Assembly, do enact as follows."

Section 14.

Each law enacted in the Legislature shall embrace but one subject, and matter properly connected therewith, which subject shall be briefly expressed in the title, and no law shall be amended or revised by reference to its title only; but in such case, the act as revised, or section as amended, shall be re-enacted and published at length.

Section 15.

Every bill shall be read by sections on three several days in each house, unless in case of emergency two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with; and the vote of the final passage of every bill, or joint resolution, shall be taken by yeas and nays, to be entered in the journal of each house, and a majority of the members present in each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the secretary of the Senate and clerk of the Assembly.

Section 16.

No money shall be drawn from the Treasury except by appropriation made by law, and accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

Section 17.

The Legislature shall not pass special or local laws in any of the following enumerated cases; that is to say, regulating the jurisdiction and duties of any class of officers, or for the punishment of crime or misdemeanor; regulating the practice of courts of justice; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plats, streets, alleys, and public squares; summoning and empaneling grand and petit juries, and providing for their compensation; regulating county, township, and municipal business; regulating the election of county, township, and municipal officers; for the assessment and collection of taxes for State, county, and municipal purposes; providing for opening and conducting elections for State, county, and municipal officers, and designating the places of voting; providing for the sale of real estate

belonging to minors or other persons laboring under legal disabilities; regulating the fees of officers.

Section 18.

In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Section 19.

Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

Section 20.

Lotteries are hereby prohibited in this State.

Section 21.

The Legislature shall establish a uniform system of county, township, and municipal government.

Section 22.

The Legislature shall provide by general law for incorporating such municipal, educational, agricultural, mechanical, mining, and other useful companies or associations as may be deemed necessary.

Section 23.

No person who is not a qualified elector of this State, or any person who shall have been convicted of bribery, forgery, perjury, larceny, or other high crime, unless restored to civil rights, shall be permitted to serve on juries.

Section 24.

Laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Section 25.

Regular sessions of the Legislature may extend to sixty days, but any special session convened by the Governor shall not exceed twenty days.

Section 26.

All property, both real and personal, of the wife, owned by her before marriage, or acquired afterward by gift, devise, descent, or

purchase, shall be her separate property, and not liable for the debts of her husband.

Section 27.

The Legislature shall provide for the election by the people, or appointment by the Governor, of all State, county, or municipal officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

Section 28.

Every bill which may have passed the Legislature shall, before becoming a law, 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 originated, which house shall cause such objections to be entered upon its journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both houses by a two-thirds vote of the members present, which vote shall be entered on the journal of each house, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sundays excepted,) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment, prevent such action, such bill shall be a law unless the Governor, within ten days next after the adjournment, shall file such bill with his objections thereto in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present it shall become a law.

Section 29.

The Assembly shall have the sole power of impeachment, but a vote of two-thirds of all the members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose, the senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. The Chief Justice shall preside at all trials by impeachment, except in the trial of the Chief Justice, when the Lieutenant Governor shall preside. The Governor, Lieutenant Governor, members of the Cabinet, justices of the Supreme Court, and judges of the circuit court shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other

officers who shall have been appointed to office by the Governor, and by and with the consent of the Senate, may be removed from office upon the recommendation of the Governor and consent of the Senate, but they shall nevertheless be liable to indictment, trial, and punishment according to law for any misdemeanor in office; all other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.

Section 30.

Laws making appropriation for the salaries of public officers, and other current expenses of the State, shall contain provisions on no other subject.

Section 31.

The Legislature shall elect United States senators in the manner prescribed by the Congress of the United States and by this Constitution.

ARTICLE V

Executive Department.

Section 1.

The supreme executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

Section 2.

The Governor shall be elected by the qualified electors at the time and places of voting for the members of the Legislature, and shall hold his office for four years from the time of his installation; Provided, that the term of the first Governor elected under this Constitution shall expire at the opening of the regular session of the Legislature of A. D. 1873, and until his successor shall be qualified. He shall take the oath of office prescribed for all State officers.

Section 3.

No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been nine years a citizen of the United States, and three years a citizen of the State of Florida, next preceding the time of his election.

Section 4.

The Governor shall be Commander-in-chief of the military forces of the State, except when they shall be called into the service of the United States.

Section 5.

He shall transact all executive business with the officers of the government, civil and military, and may require information in writing from the officers of the administrative department upon any subject relating to the duties of their respective offices.

Section 6.

He shall see that the laws are faithfully executed.

Section 7.

When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission, which shall expire at the next election.

Section 8.

The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when organized, the purpose for which they have been convened, and the Legislature then shall transact no legislative business except that for which they are especially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session, except by the unanimous consent of both houses.

Section 9.

He shall communicate by message to the Legislature at each regular session the condition of the State, and recommend such measures as he may deem expedient.

Section 10.

In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it is not beyond the time fixed for the meeting of the next Legislature.

Section 11.

The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, dating from the time of conviction, for all offenses, except in cases of impeachment. Upon conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the Governor may by his order direct. The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted or reprieved, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, and the date of its remission, commutation, pardon, or reprieve.

Section 12.

The Governor, Justices of the Supreme Court, and Attorney General, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardons after conviction, in all cases, except treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

Section 13.

All grants and commissions shall be in the name, and under the authority of the State of Florida, sealed by the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Section 14.

A Lieutenant Governor shall be elected at the same time and places, and in the same manner as the Governor, whose term of office and eligibility shall also be the same. He shall be the President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President *pro tem* of the Senate shall act as Governor until the office be filled or the disability cease.

Section 15.

In the case of the impeachment of the Governor, or his removal from office, death, inability to discharge his official duties, or resignation, the power and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease; but the Governor shall not, without the consent of the Legislature, be out of the State in time of war.

Section 16.

The Governor may at any time require the opinion of the justices of the Supreme Court as to the interpretation of any portion of this Constitution, or upon any point of law, and the Supreme Court shall render such opinion in writing.

Section 17.

The Governor shall be assisted by a Cabinet of administrative officers, consisting of a Secretary of State, Attorney General, Comptroller, Treasurer, Surveyor General, Superintendent of Public Instruction, Adjutant General, and Commissioner of Immigration. Such officers shall be appointed by the Governor and confirmed by the Senate, and shall hold their offices the same time as the Governor, or until their successors shall be qualified.

Section 18.

The Governor shall, by and with the consent of the Senate, appoint all commissioned officers of the State militia.

Section 19.

The Governor shall appoint, by and with the consent of the Senate, in each county an assessor of taxes and a collector of revenue, whose duties shall be prescribed by law, and who shall hold their offices for two years, and be subject to removal upon the recommendation of the Governor and consent of the Senate. The Governor shall appoint in each county a county treasurer, county surveyor, superintendent of common schools, and five county commissioners, each of whom shall hold his office for two years, and the duties of each shall be prescribed by law. Such officers shall be subject to removal by the Governor when in his judgment the public welfare will be advanced thereby; Provided, No officer shall be removed except for wilful neglect of duty, or a violation of the criminal laws of the State, or for incompetency.

Section 20.

The Governor and Cabinet shall constitute a Board of Commissioners of State Institutions, which board shall have supervision of all matters connected therewith, in such manner as shall be prescribed by law.

Section 21.

The Governor shall have power, in cases of insurrection or rebellion, to suspend the writ of habeas corpus within the State.

ARTICLE VI.

Judicial Department.

Section 1.

The judicial power of the State shall be vested in a Supreme Court, circuit courts, county courts, and justices of the peace.

Section 2.

The style of all process shall be, "The State of Florida," and all prosecutions shall be conducted in the name and by the authority of the same.

Section 3.

The Supreme Court shall consist of a chief justice and two associate justices, who shall hold their offices for life or during good behavior. They shall be appointed by the Governor and confirmed by the Senate.

Section 4.

The majority of the justices of the Supreme Court shall constitute a quorum for the transaction of all business. The Supreme Court shall hold three terms each year at the Supreme Court room at the seat of government. Such terms shall commence on the second Tuesday of October, January, and April respectively.

Section 5.

The Supreme Court shall have appellate jurisdiction in all cases in equity, also in all cases of law in which is involved the title to or right of possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand or the value of the property in controversy exceeds three hundred dollars; also in all other civil cases not included in the general subdivisions

of law and equity; also in all questions of law alone; in all criminal cases in which the offense charged amounts to felony. The court shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have the power to issue writs of *habeas corpus* to any part of the State upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any circuit court in the State, or before any judge of said courts.

Section 6.

The Supreme Court shall appoint a clerk of the Supreme Court, who shall have his office at the Capitol, and shall be librarian of the Supreme Court library; he shall hold his office until his successor is appointed and qualified.

Section 7.

There shall be seven circuit judges appointed by the Governor and confirmed by the Senate, who shall hold their office for eight years. The State shall be divided into seven judicial districts, the limits of which are defined in this Constitution, and one judge shall be assigned to each circuit. Such judge shall hold two terms of his court in each county within his circuit, each year, at such times and places as shall be prescribed by law. The chief justice may in his discretion order a temporary exchange of circuits by the respective judges, or any judge, to hold one or more terms in any other circuit than that to which he is assigned. The judge shall reside in the circuit to which he is assigned.

Section 8.

The circuit courts in the several judicial circuits shall have original jurisdiction in all cases of equity, also in all cases at law which involve the title or the right of possession to, or the possession of, or the boundaries of real property; of the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of property in controversy exceeds three hundred dollars, and of the action of forcible entry and unlawful detainer, and also in all criminal cases amounting to felony. They shall have final appellate jurisdiction in all civil cases arising in the county court in which the amount in controversy is one hundred dollars and upwards, and in all cases of misdemeanor. The circuit courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs

proper and necessary to the complete exercise of their jurisdiction, and also shall have power to issue writs of *habeas corpus* on petition by or on behalf of any person held in actual custody in their respective circuits.

Section 9.

There shall be a county court organized in each county. The Governor shall appoint a county judge for each county, who shall be confirmed by the Senate, and such judge shall hold his office for four years from the date of his commission, or until his successor is appointed and qualified.

Section 10.

The county court shall be a court of Oyer and Terminer.

Section 11.

The county court shall have jurisdiction of all misdemeanors and all civil cases where the amount in controversy does not exceed three hundred dollars; and its jurisdiction shall be final in all civil cases where the amount in controversy does not exceed one hundred dollars; but in no case shall the county court have jurisdiction when the title or boundaries of real estate is in controversy, or where the jurisdiction will conflict with that of the several courts of record; but they may have co-extensive jurisdiction with the circuit courts in cases of forcible entry and unlawful detention of real estate, subject to appeal to the circuit court. The county court shall have full surrogate or probate powers, but subject to appeal. Provision shall be made by law for all other powers, duties, and responsibilities of the county courts and judges. There shall be a regular trial term of the county courts six times in each year, at such times and places as may be prescribed by law.

Section 12.

Grand and petit jurors shall be taken from the registered voters of the respective counties.

Section 13.

In all trials, civil and criminal, in the circuit and county courts, the evidence shall be reduced to writing by the clerk of the court or his deputy, under the control of the court; and every witness, after his examination shall have closed, shall be at liberty to correct the evidence he has given, and afterward shall sign the same; such evidence shall be filed in the office of the clerk with the papers in the case.

Section 14.

All pleas shall be sworn to either by the parties or their attorneys.

Section 15.

The Governor shall appoint as many justices of the peace as he may deem necessary. Justices of the peace shall have criminal jurisdiction and civil jurisdiction not to exceed fifty dollars; but this shall not extend to the trial of any person for misdemeanor or crime. The duties of justices of the peace shall be fixed by law. Justices of the peace shall hold their offices during good behavior, subject to removal by the Governor at his own discretion.

Section 16.

The Legislature may establish courts for municipal purposes only, in incorporated towns and cities. All laws for the organization or government of municipal courts shall be general in their provisions, and be equally applicable to the municipal courts of all incorporated towns and cities.

Section 17.

Any civil cause may be tried before a practicing attorney as referee, upon the application of the parties, and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. Such referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the clerk, and such cause shall be subject to an appeal in the manner prescribed by law.

Section 18.

No other courts than those herein specified shall be organized in this State.

Section 19.

The Governor, by and with the advice and consent of the Senate, shall appoint a State Attorney in each judicial circuit, whose duties shall be prescribed by law. He shall hold office for four years from the date of his commission, and until his successor shall be appointed and qualified. The Governor, by and with the advice and consent of the Senate, shall appoint in each county a sheriff and a clerk of the circuit court, who shall also be clerk of the county court and of the board of county commissioners, recorder, and ex officio

auditor of the county, each of whom shall hold his office for four years. Their duties shall be prescribed by law.

Section 20.

A constable shall be elected by the registered voters in each county for every (200) two hundred registered voters; but each county shall be entitled to at least two constables, and no county shall have more than twelve constables. They shall perform such duties, and under such instructions, as shall be prescribed by law.

Section 21.

Attorneys at law, who have been admitted to practice in any court of record in any State of the Union, or to any United States Court, shall be admitted to practice in any court of this State, on producing evidence of having been so admitted.

ARTICLE VII.

Administrative Department.

Section 1.

There shall be a cabinet of administrative officers, consisting of a Secretary of State, Attorney General, Comptroller, Treasurer, Surveyor General, Superintendent of Public Instruction, Adjutant General, and Commissioner of Immigration, who shall assist the Governor in the performance of his duties.

Section 2.

The Secretary of State shall keep the records of official acts of the Legislative and Executive departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall be the custodian of the Great Seal of the State.

Section 3.

The Attorney General shall be the legal adviser of the Governor, and each of the cabinet officers, and shall perform such other legal duties as the Governor may direct, or as may be provided by law. He shall be reporter for the Supreme Court.

Section 4.

The Treasurer shall receive and keep all funds, bonds, or other securities, in such manner as may be provided by law, and shall disburse no funds, bonds, or other securities, except upon the order

of the Comptroller, countersigned by the Governor, in such manner as shall be prescribed by law.

Section 5.

The duties of the Comptroller shall be prescribed by law.

Section 6.

The Surveyor General shall have the administrative supervision of all matters pertaining to the public lands, under such regulations as shall be prescribed by law.

Section 7.

The Superintendent of Public Instruction shall have the administrative supervision of all matters pertaining to public instruction; the supervision of buildings devoted to educational purposes, and the libraries belonging to the university and common schools. He shall organize a historical bureau for the purposes of accumulating such matter and information as may be necessary for compiling and perfecting the history of the State. He shall also establish a cabinet of minerals and other natural productions.

Section 8.

The Adjutant General shall, under the orders of the Governor, have the administrative supervision of the military department, and the supervision of the State prison, and of the quarantine of the coast, in such manner as shall be prescribed by law.

Section 9.

The Commissioner of Immigration shall organize a Bureau of Immigration, for the purposes of furnishing information, and for the encouragement of immigration. The office of Commissioner of Immigration shall expire at the end of fifteen years from the ratification of this Constitution, but the Legislature shall have the power to continue it by law.

Section 10.

Each officer of the Cabinet shall make a full report of his official acts, of the receipts and expenditures of his office, and of the requirements of the same, to the Governor at the beginning of each regular session of the Legislature, or whenever the Governor shall require it. Such reports shall be laid before the Legislature by the Governor at the beginning of each regular session thereof. Either House of the Legislature may at any time call upon any Cabinet Officer for any information required by it.

ARTICLE VIII.
Education

Section 1.

It is the paramount duty of the State to make ample provision for the education of all the children residing within its borders, without distinction or preference.

Section 2.

The Legislature shall provide a uniform system of Common Schools, and a University, and shall provide for the liberal maintenance of the same. Instruction in them shall be free.

Section 3.

There shall be a Superintendent of Public Instruction, whose term of office shall be four years and until the appointment and qualification of his successor. He shall have general supervision of the educational interest of the State. His duties shall be prescribed by law.

Section 4.

The Common School Fund, the interest of which shall be exclusively applied to the support and maintenance of Common Schools and purchase of suitable libraries and apparatus therefore, shall be derived from the following sources: The proceeds of all lands that have been or may hereafter be granted to the State by the United States for educational purposes; donations by individuals for educational purposes; appropriations by the State; the proceeds of lands or other property which may accrue to the State by escheat or forfeiture; the proceeds of all property granted to the State, when the purpose of such grant shall not be specified; all monies which may be paid as an exemption from military duty; all fines collected under the penal laws of this State; such portion of the per capita tax as may be prescribed by law for educational purposes; twenty-five per centum of the sales of public lands which are now or may hereafter be owned by the State.

Section 5.

A special tax of not less than one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of common schools.

Section 6.

The principal of the Common School Fund shall remain sacred and inviolate.

Section 7.

Provision shall be made by law for the distribution of the Common School Fund among the several counties of the State in proportion to the number of children residing therein between the ages of four and twenty-one years.

Section 8.

Each county shall be required to raise annually by tax, for the support of common schools therein, a sum not less than one-half of the amount apportioned to each county for that year from the income of the Common School Fund. Any school district neglecting to establish and maintain for at least three months in each year such school or schools as may be provided by law for such district shall forfeit its portion of the Common School Fund during such neglect.

Section 9.

The Superintendent of Public Instruction, Secretary of State, and Attorney General shall constitute a body corporate, to be known as the Board of Education of Florida. The Superintendent of Public Instruction shall be president thereof. The duties of the Board of Education shall be prescribed by the Legislature.

ARTICLE IX.

Homestead.

Section 1.

A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempted from forced sale under any process of law, and the real estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes, or for the payment of obligations constructed for the purchase of said premises, or for the erection of improvements thereon, or for house, field, or other labor performed on the same. The exemption

herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner.

Section 2.

In addition to the exemption provided for in the first section of this article, there shall be and remain exempt from sale by any legal process in this State, to the head of a family residing in this State, such property as he or she may select, to the amount of one thousand dollars; said exemption in this section shall only prevent the sale of property in cases where the debt was contracted, liability incurred, or judgment obtained before the 10th day of May, A. D. 1865. Nothing herein contained shall be so construed as to exempt any property from sale for the payment of the purchase money of the same, or for the payment of taxes or labor.

Section 3.

The exemptions provided for in sections 1 and 2 of this article, shall accrue to the heirs of the party having enjoyed or taken the benefit of such exemption, and the exemption provided for in section 1 of this article shall apply to all debts, except as specified in said section, no matter when or where the debt was contracted, or liability incurred.

**ARTICLE X.
Public Institutions.**

Section 1.

Institutions for the benefit of the insane, blind, and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be provided by law.

Section 2.

A State Prison shall be established and maintained in such a manner as may be fixed by law. Provision may be made by law for the establishment and maintenance of a House of Refuge for juvenile offenders, and the Legislature shall have power to establish a Home and Workhouse for common vagrants.

Section 3.

The respective counties of the State shall provide in the manner fixed by law for those of the inhabitants who by reason of age,

infirmity, or misfortune may have claims upon the aid and sympathy of society.

ARTICLE XI.
Militia.

Section 1.

All able-bodied male inhabitants of the State between the ages of eighteen and forty-five years, who are citizens of the United States or have declared their intention to become citizens thereof, shall constitute the Militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty, except upon such conditions as may be prescribed by law.

Section 2.

The Legislature shall provide by law for organizing and disciplining the Militia of the State, for the encouragement of volunteer corps, the safe keeping of the public arms, and for a guard for the state prison.

Section 3.

The Adjutant General shall have the grade of Major General. The Governor, by and with the consent of the Senate, shall appoint two Major Generals and four Brigadier Generals of Militia. They shall take rank according to the date of their commissions. The officers and soldiers of the State Militia, when uniformed, shall wear the uniform prescribed for the U. S. Army.

Section 4.

The Governor shall have power to call out the Militia, to preserve the public peace, to execute the laws of the State, to suppress insurrection or repel invasion.

ARTICLE XII.
Taxation and Finance

Section 1.

The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

Section 2.

The Legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

Section 3.

No tax shall be levied except in pursuance of law.

Section 4.

No monies shall be drawn from the Treasury except in pursuance of appropriation made by law.

Section 5.

An accurate statement of the receipts and expenditures of the public monies shall be published with the laws of each regular session of the Legislature.

Section 6.

The Legislature shall authorize the several counties and incorporated towns in the State to impose taxes for county and corporation purposes, and for no other purpose, and all property shall be taxed upon the principle established for State taxation. The Legislature may also provide for levying a special capitation tax and tax on licenses. But the capitation tax shall not exceed one dollar per annum for all purposes, either for State, county, or municipal taxes.

Section 7.

The Legislature shall have power to provide for issuing State bonds bearing interest, for securing the debt [of this State,] and for the erection of State buildings, support of State institutions, and perfecting public works.

Section 8.

No tax shall be levied upon persons 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.

**ARTICLE XIII.
Census and Apportionment**

Section 1.

The Legislature shall, in the year one thousand eight hundred and seventy-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State; and they shall then proceed to apportion the representation among the different counties, giving to each county one Representative at large, and one additional to every one thousand registered voters therein, but no county shall be entitled to more than four Representatives. The Legislature shall also, after every such enumeration, proceed to fix by law the number of Senators which shall constitute the Senate of Florida, and which shall never be less than one-fourth nor more than one-half of the whole number of the Assembly.

Section 2.

When any Senatorial district shall be composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district, and all counties shall remain as now organized, unless changed by a two-thirds vote of both Houses of the Legislature.

**ARTICLE XIV.
Suffrage and Eligibility.**

Section 1.

Every male person of the age of twenty-one years and upwards, of whatever race, color, nationality, or previous condition, who shall, at the time of offering to vote, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida for one year, and in the county for six months, next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this Constitution. Every elector shall at the time of his registration take and subscribe to the following oath:

I, _____, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, and the Constitution and

Government of the State of Florida, against all enemies, foreign or domestic; that I will bear true faith, loyalty, and allegiance to the same, any ordinances or resolution of any State Convention or Legislature to the contrary notwithstanding. So help me God.

Section 2.

No person under guardianship *no compos mentis*, or insane, shall be qualified to vote at any election, nor shall any person convicted of felony be qualified to vote at any election unless restored to civil rights.

Section 3.

At any election at which a citizen or subject of any foreign country shall offer to vote, under the provisions of this Constitution, he shall present to the persons lawfully authorized to conduct and supervise such elections, a duly sealed and certified copy of his declaration of intention, otherwise he shall not be allowed to vote; and any naturalized citizen offering to vote, shall produce before said persons lawfully authorized to conduct and supervise the election, the certificate of naturalization, or a duly sealed and certified copy thereof; otherwise he shall not be permitted to vote.

Section 4.

The Legislature shall have power and shall enact the necessary laws to exclude from every office of honor, power, trust, or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make or become, directly or indirectly, interested in any bet or wager, the result of which shall depend upon any election; or who shall hereafter fight a duel, or send or accept a challenge to fight, or who shall be a second to either party, or be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

Section 5.

In all elections by the Legislature the vote shall be *viva voce*, and in all elections by the people the vote shall be by ballot.

Section 6.

The Legislature, at its first session after the ratification of this Constitution, shall by law provide for the registration, by the Clerk of

the Circuit Court in each county, of all the legally qualified voters in such county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

Section 7.

The Legislature shall enact laws requiring educational qualifications for electors after the year one thousand eight hundred and eighty, but no such laws shall be made applicable to any elector who may have registered or voted at any election previous thereto.

ARTICLE XV.

Schedule.

Section 1.

That all ordinances and resolutions heretofore passed by any Convention of the people, and all acts and resolutions of the Legislature conflicting or inconsistent with the Constitution of the United States and the statutes thereof, and with this Constitution, and in derogation of the existence or position of this State as one of the States of the United States of America, are hereby declared null and void, and of no effect.

Section 2.

That all acts and resolutions of the General Assembly, and all official acts of the civil officers of the State, not inconsistent with the provisions of the Constitution and statutes of the United States or with this Constitution, or with any ordinance or resolution adopted by this Convention, and which have not been, and are not by this Constitution annulled, are in force, and shall be considered and esteemed as the laws of the State until such acts or resolutions shall be repealed by the Legislature of the State or this Convention.

Section 3.

All laws of the State passed by the so-called General Assembly since the 10th day of January, A. D. 1861, not conflicting with the word or spirit of the Constitution and laws of the United States, or with this Constitution, shall be valid. All writs, acts, proceedings, judgments, and decrees of the so-called courts of the State, where actual service was made on the defendant, all executions and sales made thereunder, and all acts, orders and proceedings of the judges of probate, and of executors, administrators, guardians, and

trustees, provided they were in conformity with the laws then in force, and did not conflict with the Constitution and laws of the United States and this Constitution, shall be valid; the sales of the property or effects of deceased persons shall not prevent the widow from claiming said property in kind, in whosoever hands the same may be found, when the sale had not been made for the purpose of paying the debts of the deceased, and where other than lawful money in the United States was obtained for said property. Nothing herein contained shall be so construed as to make any one who, as an officer of any court, or who acted under the authority of any court, individually liable, provided they acted strictly in accordance with what was then considered the law of the State, and not conflicting with the Constitution and laws of the United States. All fines, penalties, forfeitures, obligations, and escheats heretofore accruing to the State of Florida shall continue to accrue to the use of the State. All recognizances heretofore taken shall remain valid, and all bonds executed to the Governor of the State of Florida, either before or since the 10th day of January, A. D. 1861, or to any other officer of the State in his official capacity, shall be of full force and virtue, for the uses therein respectively expressed, and may be sued for and recovered accordingly, unless they were contrary to the laws of the United States or to this Constitution, or to any ordinance or resolution adopted by this Convention; also all criminal prosecutions which have arisen may be prosecuted to judgment and execution in the name of the State. All actions at law or suits in chancery, or any proceedings pending in the courts of this State, either prior to or subsequent to the 10th day of January, A. D. 1861, shall continue in all respects valid, and may be prosecuted to judgment and decree. All judgments and decrees rendered in civil causes in any of the courts of the State during the period of time above specified, are hereby declared of full force, validity, and effect; Provided that unless otherwise provided in this Constitution, the statute of limitation shall not be pleaded upon any claim in the hands of any person for the period of time between the 10th day of January, A. D. 1861, and the 25th day of October, A. D. 1865, whether proceedings at law had been commenced before the 25th day of October, 1865, or not; Provided, further, that all claims of widows, minors, and decedents which were not barred by the statutes of this State on the 10th day of January, A. D. 1861, shall be considered good and valid for the period of two years from the ratification of this Constitution.

Section 4.

That State treasury notes, all bonds issued, and all other liabilities contracted by the State of Florida or any county or city thereof, on and after the 10th day of January, A. D. 1861, and before the 25th day of October, A. D. 1865, except such liabilities as may be due to the seminary or school fund, be and are declared null and void, and the Legislature shall have no power to provide for the payment of the same or any part thereof; but this shall not be construed so as to invalidate any authorized liabilities of the State contracted prior to the 10th day of January, A. D. 1861, or subsequent to the 25th day of October, A. D. 1865.

Section 5.

No money shall ever be appropriated by this state to reimburse purchasers of United States land who purchased the same of the State of Florida.

Section 6.

All proceedings, decisions, or actions accomplished by civil or military officers acting under authority of the United States subsequent to the 10th day of January, A. D. 1861, and prior to the final restoration of the State to the government of the United States, are hereby declared valid, and shall not be subject to adjudication in the courts of this State, nor shall any person acting in the capacity of a soldier or officer of the United States, civil or military, be subject to arrest for any act performed by him pursuant to authorized instructions from his superior officers during the period of time above designated.

Section 7.

That in all cases where judgments have been obtained against citizens of the State after the tenth day of January, eighteen hundred and sixty-one, and previous to the twenty-fifth day of October, eighteen hundred and sixty-five, and where actual service was not made on the person of any defendant, such defendant not served with process may appear in court within one year after the adoption of this Constitution, and make oath that injustice has been done, and that he or she has a good and valid defense, stating the defense, and upon making such oath and filing said defense the proceedings on the judgment shall cease until the defense is heard.

**ARTICLE XVI.
Miscellaneous.**

Section 1.

Any person debarred from holding office in the State of Florida by the third section of the fourteenth Article of the proposed amendment to the Constitution of the United States, which is as follows: "No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds [of each House,] remove such disability," is hereby debarred from holding office in this State; Provided , that whenever such disability from holding office shall be removed from any person by the Congress of the United States, the removal of such disability shall also apply to this State, and such person shall be restored in all respects to the rights of citizenship as herein provided for electors.

Section 2.

Any person elected to the Senate of the United States by the Legislature of this State, or any person elected by the people, or appointed to office by the Governor of the State, or by any officer of the State, under the provisions of the Constitution adopted by the Convention of the people convened on the 25th day of October, A. D. 1865, shall not be empowered to hold such office after the same position or office shall have been filled by election or appointment under the provisions of this Constitution; Provided that all officers holding office under the provisions of the Constitution adopted the 25th day of October, A. D. 1865, and not provided for in this Constitution, shall continue to hold their respective offices, and discharge the duties thereof, until the Governor shall, by his proclamation, declare such offices vacant.

Section 3.

The several Judicial Circuits of the Circuit Courts shall be as follows: The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington, and Jackson; the Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla,

and Jefferson; the Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee, and Columbia; the Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay, and St. Johns; the Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion, and Sumter; the Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk, and Monroe; the Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange, and Dade.

Section 4.

The salary of the Governor of the State shall be five thousand dollars per annum; that of the Chief Justice shall be four thousand five hundred dollars; that of each Associate Justice shall be four thousand dollars; that of each Judge of the Circuit Court shall be three thousand five hundred dollars; that of the Lieutenant Governor shall be two thousand five hundred dollars; that of each Cabinet Officer shall be three thousand dollars. The pay of the members of the Senate and House of Representatives shall be five hundred dollars per annum, and in addition thereto ten cents per mile for each mile travelled from their respective places of residence to the Capital, and the same to return. But such distances shall be estimated by the shortest general thoroughfare. All other officers of the State shall be paid by fees or per diem fixed by law.

Section 5.

The Legislature shall appropriate two thousand dollars each year for the purchase of such books for the Supreme Court Library as the said Court shall direct.

Section 6.

The salary of each officer shall be payable quarterly upon his own requisition.

Section 7.

The tribe of Indians located in the southern portion of the State, and known as the Seminole Indians, shall be entitled to one member in each House of the Legislature. Such member shall have all the rights, privileges, and remuneration as other members of the Legislature. Such members shall be elected by the members of their tribe, in the manner prescribed for all elections by this Constitution. The tribe shall be represented only by a member of

the same, and in no case by a white man; Provided that the Representatives of the Seminole Indians shall not be a bar to the representation of any county by the citizens thereof.

Section 8.

The Legislature may, at any time, impose such tax on the Indians as it may deem proper; and such imposition of tax shall constitute the Indians citizens, and they shall then forward be entitled to all the privileges of other citizens, and thereafter be barred of special representation.

Section 9.

In addition to other crimes and misdemeanors, for which an officer may be impeached and tried, shall be included drunkenness and other dissipations. Incompetency, malfeasance in office, gambling, or any conduct detrimental to good morals, shall be considered sufficient cause for impeachment and conviction. Any officer when impeached by the Assembly shall be deemed under arrest, and shall be disqualified from performing any of the duties of his office until acquittal by the Senate. But any officer so impeached and in arrest may demand his trial by the Senate within one year from the date of his impeachment.

Section 10.

The following shall be the oath of office for each officer in the State, including members of the Legislature:

"I do solemnly swear that I will support, protect, and defend the Constitution and government of the United States, and of the State of Florida, against all enemies, domestic or foreign, and that I will bear true faith, loyalty, and allegiance to the same, and that I am entitled to hold office under this constitution. That I will well and faithfully perform all the duties of the office of _____, on which I am about to enter. So help me God.

Section 11.

The Legislature may provide for the donation of the public lands to actual settlers. But such donation shall not exceed one hundred and sixty acres to any one person.

Section 12.

All county officers shall hold their respective offices at the county seats of their counties.

Section 13.

The Legislature shall provide for the speedy publication of all statutes and laws of a general nature. All decisions of the Supreme Court, and all laws and judicial decisions shall be free for publication by any person. But no judgment of the Supreme Court shall take effect and be operative until the opinion of the court in such case shall be filed with the clerk of said court.

Section 14.

The Legislature shall not create any office, the term of which shall be longer than four years.

Section 15.

The Governor, Cabinet, and Supreme Court shall keep their offices at the seat of government. But in case of invasion or violent epidemics, the Governor may direct that the offices of the government shall be removed temporarily to some other place. The session of the Legislature may be adjourned for the same cause to some other place; but in such case of removal all the departments of the government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

Section 16.

A plurality of votes given at any election by the people shall constitute a choice when not otherwise provided by this Constitution.

Section 17.

The term of the State officers elected at the first election under this Constitution, not otherwise provided for, shall continue until the first Tuesday of January, A. D. 1873, and until the installation of their successors, excepting the members of the Legislature.

Section 18.

Each county and incorporated city shall make provision for the support of its own officers, subject to such regulations as may be prescribed by law. Each county shall make provision for building a court house and jail, and for keeping the same in good repair.

Section 19.

If, at the meeting of the senate at any session, the Lieutenant Governor has not been qualified or is not present, the Senate shall elect one of its members as temporary President before proceeding to other business.

Section 20.

The Legislature shall, at the first session, adopt a seal for the State, and such seal shall be of the size of the American silver dollar. But said seal shall not again be changed after its adoption by the Legislature; and the Governor shall, by his proclamation, announce that said seal has become the Great Seal of the State.

Section 21.

The Governor, Lieutenant Governor, and all the State officers elected by the people, shall be installed on the first day of the meeting of the Legislature, and immediately assume the duties of their respective offices.

Section 22.

The Governor and Lieutenant Governor, shall have been, before their election to office, nine years citizens of the United States, and three years citizens of the State. All other officers shall have been one year citizens of the State, and six months citizens of the county from which they are elected or appointed. No person shall be eligible to any office unless he be a registered voter.

Section 23.

The Governor, or any State officer, is hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate who has not been two years a citizen of the State, and nine years a citizen of the United States, and a registered voter.

Section 24.

The property of all corporations, whether heretofore or hereafter incorporated, shall be subject to taxation, unless such corporation be for religious, educational, or charitable purposes.

Section 25.

All bills, bonds, notes, or evidences of debt, outstanding and unpaid, given for or in consideration of bonds or treasury notes of the so-called Confederate States, or notes and bonds of this State,

paid and redeemable in the bonds or notes of the Confederate States, are hereby declared null and void, and no action shall be maintained thereon in the courts of this State.

Section 26.

It shall be the duty of the courts to consider that there is a failure of consideration, and it shall be so held by the courts of this State, upon all deeds or bills of sale given for slaves, with covenant or warranty of title or soundness, or both upon all bills, bonds, notes, or other evidences of debt, given for or in consideration of slaves, which are now outstanding and unpaid, and no action shall be maintained thereon; and all judgments and decrees rendered in any of the courts of this State since the 10th day of January, A. D. 1861, upon all deeds or bills of sale, or upon any bond, bill, note, or other evidence of debt based upon the sale or purchase of slaves, are hereby declared set aside, and the plea of failure of consideration shall be held a good defense in all actions to said suit; and when money was due previous to the 10th day of January, A. D. 1861, and slaves were given in consideration for such money, these shall be deemed a failure of consideration for the debt; Provided, that settlements and compromises of such transactions made by the parties thereto shall be respected.

Section 27.

All persons who, as alien enemies under the sequestration act of the so-called Confederate Congress, and now resident of the State, had property sequestered and sold by any person acting under a law of the so-called Confederate States, in the State of Florida, subsequent to the 10th day of January, A. D. 1861, and prior to the first day of May, A. D. 1865, shall be empowered to file a bill in equity in the Circuit Court of the State, and shall be entitled to obtain judgment against the State for all damages sustained by said sale and detention of property. The Court shall estimate the damages upon the assessed valuation of the property in question in the year A. D. 1860, with interest at six per cent. from the time the owner was deprived of the same. But all judgments against the State shall be paid only in certificates of indebtedness, redeemable in State lands. Said certificates shall be issued by the Governor, countersigned by the Secretary of State and by the Comptroller, upon the decree of the court. Oral testimony shall be sufficient to establish the fact of a sale having been made.

Section 28.

There shall be no civil or political distinction in this State on account of race, color, or previous condition of servitude, and the Legislature shall have no power to prohibit, by law, any class of persons on account of race, color or previous condition of servitude, to vote or hold any office, beyond the conditions prescribed by this Constitution.

Section 29.

The apportionment for the Assembly shall be as follows: Escambia two, Santa Rosa one, Walton one, Holmes one, Washington one, Jackson three, Calhoun one, Gadsden two, Franklin one, Liberty one, Wakulla one, Leon four, Jefferson three, Madison two, Taylor one, Hamilton one, Suwannee one, Lafayette one, Alachua two, Columbia two, Baker one, Bradford one, Nassau one, Duval two, Clay one, St. Johns one, Putnam one, Marion two, Levy one, Volusia one, Orange one, Brevard one, Dade one, Hillsborough one, Hernando one, Sumter one, Polk one, Manatee one, and Monroe one. There shall be twenty-four Senatorial districts, which shall be as follows, and shall be known by their respective numbers, from one to twenty-four inclusive:

The first Senatorial District shall be composed of Escambia county, the second of Santa Rosa and Walton, the third of Jackson, the fourth of Holmes and Washington, the fifth of Calhoun and Franklin, the sixth of Gadsden, the seventh of Liberty and Wakulla, the eighth of Leon, the ninth of Jefferson, the tenth of Madison, the eleventh of Hamilton and Suwannee, the twelfth of Lafayette and Taylor, the thirteenth of Alachua and Levy, the fourteenth of Columbia, the fifteenth of Bradford and Clay, the sixteenth of Baker and Nassau, the seventeenth of St. Johns and Putnam, the eighteenth of Duval, the nineteenth of Marion, the twentieth of Volusia and Orange, the twenty-first of Dade and Brevard, the twenty-second of Hillsborough and Hernando, the twenty-third of Sumter and Polk, the twenty-fourth of Manatee and Monroe, and each Senatorial District shall be entitled to one Senator.

Section 30.

No person shall ever be appointed as a judge of the Supreme Court or Circuit Court, who is not twenty-five years of age, and a practicing attorney in this State.

Section 31.

The Legislature shall, as soon as convenient, adopt a State Emblem having the design of the Great Seal of the State impressed upon a white ground of six feet six inches fly and six feet deep.

**ARTICLE XVII.
Amendments.****Section 1.**

Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed upon by a two-thirds vote of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice, and if in the Legislature next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a two-thirds vote of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature may prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become a part of the Constitution.

Section 2.

If at any time the Legislature, by a vote of a majority of all the members elected to each of the two Houses, shall determine that it is necessary to cause a revision of this entire Constitution, such determination shall be entered upon their respective journals, with the yeas and nays thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen aforesaid, such proposed revision shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to recommend to the electors of the next election for members of the Legislature, to vote for or against a Convention; and if it shall appear that a majority of the electors, voting at such election, shall have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for a Convention, to be holden within six months after the

passage of such law, and such Convention shall consist of a number of members not less than both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or [on] any question.

Signatures

Horatio Jenkins, Jr., President.

Sherman Conant, Secretary.

Done in open Convention. In witness whereof, we, the undersigned, President of said Convention and delegates, present, representing the people of the State of Florida, do hereby sign our names, this, the twenty-fifth day of February, Anno Domini one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-second year – and the Secretary of said Convention doth countersign the same.

HORATIO JENKINS, Jr., President.

Countersigned by Sherman Conant, Secretary.

Those signing the Constitution were:

Ossian B. Hart, L. C. Armistead, William Bradwell, E. Fortune, J. T. Walls, Homer Bryan, N. C. Dennett, John W. Powell, John Wyatt, A. G. Bass, Green Davidson, R. Meacham, Richard H. Wells, Jesse H. Goss, J. E. Oates, Abram Chandler, Major Johnson, W. Rogers, W. J. Purman, S. B. Conover, J. E. A. Davidson, Auburn Erwin, M. L. Stearns, C. R. Mobley, Fred Hill, Jonathan C. Gibbs, J. W. Childs, John W. Butler, Thos. Urquhart, George J. Alden, Andrew Shuler, Lyman Rowley, David W. Mizell, John. L. Campbell, Anthony Mills, Roland T. Rombauer, T. W. Osborn, W. R. Cone, O. B. Armstrong, B. M. McRae, John N. Krimminger, Samuel J. Pearce, Wm. K. Cessna, Elbridge L. Ware.

Ordinances

No. 1

An Ordinance declaring the Ordinance of Secession Null and Void.

Be it Ordained by the People of Florida, in Convention assembled, That the Ordinance adopted by the Convention of the people assembled on the 10th day of January, A. D. 1861, and known as the Ordinance of Secession, is hereby declared null and void from the beginning, and of no effect.

Passed in open Convention, February 21, A. D. 1868.
HORATIO JENKINS, JR., President
SHERMAN CONANT, Secretary.

No. 2

An Ordinance for the Relief of the People of Florida.

Be it Ordained by the People of Florida in Convention assembled, That from and after the passage of this Ordinance it shall not be lawful for any sheriff or other officer of the State to sell, under execution or other legal process in the State, any property, real or personal, and any sale so made shall be null and void. That the collection of all taxes, State, county, and municipal, shall be suspended; that all persons now in confinement for the non-payment of taxes shall be forthwith released, and any State officer refusing to release such persons now in confinement shall be guilty of felony, and be subject to legal process and punishment therefore. That all constitutional provisions, ordinances, statutes, or parts of statutes, and all laws conflicting with the provision of this Ordinance, are hereby suspended; but nothing in this Ordinance shall be construed so as to prevent the return of property to its rightful owner upon legal process; Provided, That this Ordinance, or any provision therein, shall not prevent the collection of debts due or to become due as wages for actual labor performed by any house, field, or other laborer; that the Legislature shall be empowered to alter, amend, or abolish this Ordinance in its discretion.

Passed in open Convention, January 21, A. D. 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 3

An Ordinance for the Compilation of all the Laws of England.

Be it Ordained by the People of the State of Florida in Convention assembled, That the Governor elected under this Constitution is authorized and directed to employ three men learned in the law, and familiar with its practice, to make a complete and accurate Digest of all the laws in Florida in force, of a general nature, embracing the Territorial and State laws inclusive, of the Acts of the Legislature previous to the work being submitted to the Governor as hereinafter provided in this Ordinance. Such Digest shall be in the form and upon the plan of "Brightley's Digest" of the Statutes of the United States, and shall contain the Constitution of the United States and of the State.

2d. Such board shall be directed to review the manuscript work prepared by LESLIE A. THOMPSON, containing the Laws of England, now in force in the State, and if such work shall be found of sufficient value, said board shall correct or abbreviate the same as they may deem proper.

3d. Said board shall be directed to edit all the reports of the Supreme Court of the State since its organization; to prepare a full index of the opinions of said Court, with such notes as may be deemed necessary for the elucidation of the same; also [to] prepare for publication, with the reports, the several Constitutions of the State, and their respective amendments, under which the opinions reported were made.

4th. Said board shall also be directed to compile all the local and private acts and resolutions still in force.

5th. Said board shall be directed to prepare a code of practice for the county courts, defining definitely the rules and power of said courts; the mode and limitation of punishment; all forms necessary for the use of said courts, and any and all other instructions that may be necessary for the complete exercise of the jurisdiction thereof, whether in criminal, civil, or probate capacity.

6th. Said board shall be directed to prepare a code for the practice of justices of the peace, setting forth their power and jurisdiction and defining their duties under the provisions of the Constitution and acts of the Legislature; also all forms necessary for the use thereof.

7th. In the Digest of the general laws, local and private acts and resolutions, all useless verbiage or superfluous matter, and all that has a tendency to mystify and obscure the true meaning of any act or section thereof, shall be carefully omitted; the whole to be accompanied with marginal notes and references and with a suitable index.

8th. Whenever the works above designated, or any one of them, shall have been completed, they or it shall be submitted by the Governor to the justices of the Supreme Court, by whom they shall be reviewed, and if necessary, amended, and thereafter said work shall be [the] law and rules of practice respectively, unless they are afterwards repealed or altered by the Legislature.

9th. The Governor is further authorized and directed to make the necessary contracts for the publication of the aforesaid works. Of the Digest of the laws there shall be printed and bound five hundred copies; of the English Law five hundred; of the Reports of the Supreme Court five hundred; of the Local and Private Acts and Resolutions five hundred; of the Code of Practice of County Courts five hundred; and of the Code of Practice of Justices of the Peace five hundred copies.

10th. The Legislature is hereby authorized and directed to provide the necessary means for the compensation of the members of the aforesaid board, and for defraying all expenses of publication, and provide by law for such distribution of the works aforesaid as may be deemed proper and necessary, to the officers of the State and several counties, and for exchange with other States.

11th. The aforesaid works, until disposed of by action of the Legislature, shall remain in the custody of the State Librarian.

12th. The aforesaid works shall be compiled in accordance with the provisions of this Constitution, except in those cases where there are express provisions to the contrary.

Passed in open Convention, February 21, A. D. 1868.

No. 4

**An Ordinance in relation to certain suits judgments &c.,
in the civil courts of this State.**

Be it ordained by the people of the State of Florida in Convention assembled, That all suits heretofore commenced in any of the civil courts of this State during the war between the United States and the so-called Confederate States, and any and all judgments, orders, or decrees of said courts, rendered or entered up against any person or persons, any one of whom at the commencement of said suit, or during the pending thereof, was beyond the reach and jurisdiction of said courts by reason of the war between the United States and the so-called Confederate States, and hereby declared to be null and void, and of no effect whatever, and all writs, executions, and sales founded on said judgments are also hereby declared void; Provided, That nothing in this ordinance shall be construed to prevent the plaintiff in such cases from commencing their suits anew.

Passed in open Convention, February 21, A. D. 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 5

**An Ordinance to provide the Means of Defraying the Expenses
of this Convention.**

Be it ordained by the people of Florida in Convention assembled, That this Convention does hereby levy and assess a tax of one-fifth of one per cent. on all the taxable property of this State for the purpose of defraying the expenses of this Convention, and the compensation of officers and members thereof; and it shall be the duty of the tax collector in the several counties in this State to collect the tax so assessed, on or before the first day of January, A. D. 1869, and to pay the same to the Treasurer of the State immediately upon the collection thereof, and that the collector shall collect the same in accordance with the laws of the State of Florida for the collection of State taxes.

SEC. 2. Be it further ordained, That the Comptroller shall issue to the tax collectors all necessary orders for the collection and payment of the aforesaid tax, which order shall be binding upon said tax collectors.

SEC 3. Be it further ordained, That the tax collectors shall receive the same per cent. as they are now allowed by law for collecting the State tax.

SEC. 4. Be it further ordained, That the Governor of this State is hereby empowered and authorized to issue bonds bearing eight per cent. interest per annum, payable upon the first day of March, A. D. 1869, in such sums as he may deem expedient, not exceeding in amount thirty thousand dollars, which shall be redeemed out of the proceeds of said special tax when collected, and the financial agent, for the purpose of defraying the immediate expenses of this Convention, is hereby empowered to dispose of the said bonds, and to pay from the proceeds thereof such accounts as may be audited by the finance committee, and deposit the balance, if any, with the Treasurer of the State.

SEC 5. Be it further ordained, That the Governor of the State of Florida is hereby requested, authorized, and directed to issue certificates of indebtedness to the full amount of ten thousand dollars, which certificates of indebtedness shall be receivable for the tax levied under this ordinance, and all State dues; such certificates shall bear the impress of the seal of the State Treasurer, and shall be in such amounts as the Governor may deem expedient.

Passed in open Convention, February 21, A. D. 1868.

HORATIO JENKINS, JR., President.

SHERMAN CONANT, Secretary.

No. 6.

An Ordinance to provide for the Repeal of Unequal Taxation.

WHEREAS, The General Assembly of the Provisional Government of Florida passed an Act entitled "An Act concerning Schools for Freedmen," approved January 16th, 1866, whereby a tax of one dollar each is assessed and levied upon all male persons of color between the ages of twenty-one years and fifty-five, and the proceeds of which are denominated a common school fund for the education of freedmen; AND WHEREAS, The said tax so unequally, discriminatingly, and injuriously levied and collected, has failed to result in any benefit in the least to those for whose education it was claimed to have been enacted, and is imposed in

violation of public and impartial justice, and that civil and political equality which is now the inalienable franchise and birthright of every citizen of the State, without regard to race, color, or previous condition; therefore, Be it Ordained by the People of Florida in Convention assembled, That so much of said Act as provides for the assessment and levy of one dollar each upon all male persons of color between the ages of twenty-one and fifty-five, be and the same is hereby repealed, and all further assessment and collection of said tax shall be and the same is hereby estopped and prohibited.

Passed in open Convention, February 22, A. D. 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 7
An Ordinance to provide for the Protection and Purity
of Elections.

Be it Ordained by the People of Florida in Convention assembled, That no person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any private benefit or promise of such benefit whatever, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure or attempt to procure him to vote for any particular candidate or candidates at any election in this State, and the person so giving, or offering to give, and the person receiving the same, and any person who gives, or causes to be given, an illegal vote, knowing it to be such, at any election in this State, shall, on conviction in a court of law, be fined not exceeding three hundred dollars for each offense, or be imprisoned not exceeding six months; and either party to such unlawful bargain or agreement may make complaint or commence prosecution, and appear in evidence against the other, and thereby absolve himself from all penalty in said case; And further, No person shall threaten or intimidate in any way, or injure any elector on account of the manner in which he may have voted, or be expected to vote, or to knowingly deceive or mislead any elector in relation to the time or place of holding any election, or in the name or political affiliation of any candidate at any election in the State; and any person violating this provision shall, upon conviction thereof, be fined not less than five hundred dollars for each offense, or be imprisoned for not less than one year;

Provided, That the legislature shall have power at any time to change, amend, or repeal this Ordinance.

And be it further ordained, That the President of this Convention immediately furnish fifty printed copies of this Ordinance to the sheriff of each county in the State, who shall publish and post the same throughout his county for four weeks previous to the next election.

Passed in open Convention, February 22d, A. D. 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 8
An Ordinance Abolishing County Criminal Courts.

Be it Ordained by the People of Florida in Convention assembled, That from and after the passage of this ordinance, the County Criminal Courts of this State shall be abolished, and all fees, costs, and charges of every kind whatsoever, due or to become due, to any justice of the peace, constable, clerk of circuit court, or of the county criminal court, sheriff, or any officer of this State, for services, issuing warrants, arresting accused, preparing docket and papers, confining prisoners, or for any service whatever, in and about said county criminal court, are declared illegal and void, and fully satisfied and extinguished; and it shall not be lawful for any Board of County Commissioners of this State, or any Treasurer, State or county, to allow or pay out any money or moneys for any such services; Provided, A small allowance, not to exceed the actual cost of the provisions, shall be allowed for the feeding of accused defendants and prisoners, bound over to or fined in said county criminal courts, and nothing shall be so construed as to deprive judges and solicitors of their fees.

Be it further ordained, That all fines, penalties, and disabilities ordered, entered up, or created in said county criminal courts are hereby rescinded and removed; all prisoners found guilty in said county criminal courts are hereby pardoned and released, and all judgments, executions, bonds, and recognizances, now outstanding and unsatisfied, originating or created in said courts, are hereby declared null, void, and paid off.

Be it further ordained, That all cases now pending in said court shall be transferred to the circuit court, and the officer transferring them to said circuit court shall be allowed the regular fees now allowed for such services.

Passed in open Convention, February 24th, 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 9
An Ordinance to Provide for submitting the Constitution to the People for Ratification.

Be it Ordained by the people of Florida, in Convention assembled, That the Constitution framed by this Convention, and signed on the 25th day of February, A. D. 1868, be and the same is hereby submitted for ratification to the persons registered and to be registered under the provisions of the several acts of Congress, entitled "An Act to provide for the more efficient government of the rebel States, passed March 2d, 1867; An Act supplementary to An Act entitled An Act to provide for the more efficient government of the rebel States, passed March 2d, 1867, and to facilitate restoration; An Act supplementary to An Act entitled An Act to provide for the more efficient government of the rebel States, passed on the 2d day of March, 1867; and the act supplementary thereto, passed on the 23d day of March," at an election to be conducted according to the provisions of the said acts of Congress.

Be it further ordained, That an election shall be held in various counties of this State, on the first Monday, Tuesday, and Wednesday of May, A. D. 1868, for the purpose of voting on the ratification of the Constitution framed by this Convention, and for the election of a Governor, Lieutenant-Governor, one member of Congress, State Senators and Representatives, and county officers; and that the judges or inspectors of election appointed, or to be appointed, by the Commanding General of the Third Military District, to conduct and supervise the election for ratification, as provided in the several aforesaid acts of Congress, shall also conduct and supervise the election for said officers.

Be it further ordained, That at each place of voting, beside the ballot box provided by the said judges of election to receive the ballots for and against ratification, the said judges shall provide a

separate ballot box for the reception of ballots for Governor, Lieutenant-Governor, Member of Congress, State Senators and Representatives, and County officers, and that a separate poll list shall be prepared by said judges of election of all persons qualified to vote for said officers; and all persons qualified to vote under the provisions of the Constitution shall be allowed to vote for said officers.

Be it further ordained, That the vote for Governor, Lieutenant-Governor, Member of Congress, State Senators and Representatives, and County officers, shall be securely enveloped and sealed by the judges of election, and transmitted by prompt and safe conveyance to the city of Tallahassee, and delivered to a Board of Canvassers of three persons hereby appointed and authorized, to wit: Hon. HORATIO Jenkins, Jr., President of Constitutional Convention; Auburn Erwin, of Columbia County, and O. Morgan, of Leon County, within thirty days after said election; and the said Board of Canvassers shall meet at Tallahassee within ten days after said election and canvass the votes for said officers; and the said Board of Canvassers shall issue the certificates of election under their hands and seals; and the said Board of Canvassers shall make public proclamation of said returns in at least three of the newspapers published in this State, showing what persons shall have been elected to said offices severally; and thereupon the Governor of the State, and the Lieutenant-Governor thereof elected, shall assemble at the Capitol and be sworn into office by the Judge of the District Court of the United States, or in his absence by any person authorized by the laws of the United States to administer oaths. Be it further ordained, That a public notice containing this ordinance, signed by the President and Secretary of this Convention, shall be issued on the day after the final adjournment of this Convention, and shall be published in at least three of the newspapers in this State.

Be it further ordained, That the persons who shall act as judges or inspectors of election, together with one clerk in each county, to be by them appointed, shall each receive five dollars per day for their services in conducting, supervising, and making out the returns of the election for said officers, and the legislature at its first session shall provide by law for the payment of the expenses to be incurred thereby, and for any and all expenses incurred under any by virtue of the provisions of this ordinance.

Passed in open Convention, February 24th, A. D. 1868.
HORATIO JENKINS, JR., President.
SHERMAN CONANT, Secretary.

No. 10

**An Ordinance to inquire into
the Condition of the Union Bank of Florida.**

Be it Ordained by the People of Florida in Convention assembled,
That it shall be the duty of the first Governor elected under this
Constitution, to appoint a committee of not less than three persons
to inquire into the condition, liabilities, and assets of the Union Bank
of Florida, and as to the liability of the State of Florida, or of the
United States, as security for and upon the bonds of said Union
Bank.

Passed in open Convention, February 24th, 1868.
HORATIO JENKINS, JR., President.
S. CONANT, Secretary.