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Volume 51  
Issue 3 *Symposium: The Ohio Constitution -  
Then and Now*

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Article

2004

## Constitution of Ohio, 1802

Ohio Constitutional Convention of 1802

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Ohio Constitutional Convention of 1802, *Constitution of Ohio, 1802*, 51 Clev. St. L. Rev. 665 (2004)  
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# CONSTITUTION OF OHIO, 1802

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**Preamble.**

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

ARTICLE I  
OF THE LEGISLATIVE POWER**§ 1 In whom legislative power vested.**

The legislative authority of this state shall be vested in a General Assembly, which shall consist of a senate and house of representatives, both to be elected by the people. (See 1851 CONST. art. II, § 1.)

**§ 2 Census; apportionment of representatives; number of representatives.**

Within one year after the first meeting of the general assembly, and within every subsequent term of four years, an enumeration of all the white male inhabitants, above twenty-one years of age, shall be made in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature and apportioned among the several counties, according to the number of white male inhabitants above twenty-one years of age in each, and shall never be less than twenty-four, nor greater than thirty-six, until the number of white male inhabitants, above twenty-one years of age, shall be twenty two thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor exceed seventy-two. (See 1851 CONST. art. XI.)

**§ 3 When chosen.**

The representatives shall be chosen annually, by the citizens of each county, respectively, on the second Tuesday of October. (See 1851 CONST. art. II, § 2.)

**§ 4 Qualifications of representatives.**

No person shall be a representative, who shall not have attained the age of twenty-five years, and be a citizen of the United States and an inhabitant of this state; shall also have resided within the limits of the county in which he shall be chosen, one year next preceding his election, unless he shall have been absent on the public business of the United States, or of this state, and shall have paid a state or county tax. (See 1851 CONST. art. II, § 3.)

**§ 5 Senators; when and how chosen.**

The senators shall be chosen biennially, by the qualified voters for representatives; and on their being convened in consequence of the first election, they shall be divided, by lot, from their respective counties or districts, as near as can be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year; so that one-half thereof, as near as possible, may be annually chosen for ever thereafter. (See 1851 CONST. art. II, § 2.)

**§ 6 Number of senators, and how apportioned.**

The number of senators shall, at the several periods of making the enumeration, before mentioned, be fixed by the legislature, and apportioned among the several counties or districts, to be established by law, according to the number of white male inhabitants of the age of twenty-one years in each, and shall never be less than one-third, nor more than one-half, of the number of representatives.

**§ 7 Qualifications of senators.**

No person shall be a senator who has not arrived at the age of thirty years, and is a citizen of the United States; shall have resided two years in the county or district, immediately preceding the election, unless he shall have been absent on the public business of the United States, or of this state, and shall, moreover, have paid a state or county tax. (See 1851 CONST. art. II, § 3.)

**§ 8 Powers of each house; quorum.**

The senate and house of representatives, when assembled, shall each choose a speaker and its other officers; be judges of the qualifications and elections of its members, and sit upon its own adjournments: two-thirds of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members. (See 1851 CONST. art. II, §§ 6, 7.)

**§ 9 Journals, and yeas and nays.**

Each house shall keep a journal of its proceedings, and publish them: the yeas and nays of the members, on any question, shall, at the desire of any two of them, be entered on the journals. (See 1851 CONST. art. II, § 9.)

**§ 10 Right of members to protest.**

Any two members of either house shall have liberty to dissent from, and protest against, any act or resolution which they may think injurious to the public or any

individual, and have the reasons of their dissent entered on the journals. (See 1851 CONST. art. II, § 10.)

**§ 11 Rules, and right of punishment and expulsion.**

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent state. (See 1851 CONST. art. II, § 8.)

**§ 12 Vacancies in either house; how filled.**

When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies. (See 1851 CONST. art. II, § 11.)

**§ 13 Privilege of members from arrest, and of speech.**

Senators and representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place. (See 1851 CONST. art. II, § 12.)

**§ 14 Contempts; how punished.**

Each house may punish, by imprisonment, during their session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; provided such imprisonment shall not, at any one time, exceed twenty-four hours.

**§ 15 When sessions to be public, and power of adjournment.**

The doors of each house, and of committees of the whole, shall be kept open, except in such cases as, in the opinion of the house, require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting. (See 1851 CONST. art. II, §§ 13, 14.)

**§ 16 Where bills to originate.**

Bills may originate in either house, but may be altered, amended or rejected by the other. (See 1851 CONST. art. II, § 15.)

**§ 17 How often bills to be read; to be signed by the speakers.**

Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house where such bill is so depending, shall deem it expedient to dispense with this rule: and every bill having passed both houses, shall be signed by the speakers of their respective houses. (See 1851 CONST. art. II, § 16, 17.)

**§ 18 Style of laws.**

The style of laws of this state shall be: "Be it enacted by the General Assembly of the State of Ohio." (See 1851 CONST. art. II, § 18.)

**§ 19 Salaries of officers.**

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

**§ 20 Exclusion from office.**

No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this state, which shall have been created, or the emoluments of which shall have been increased, during such time. (See 1851 CONST. art. II, § 19.)

**§ 21 Appropriations.**

No money shall be drawn from the treasury, but in consequence of appropriations made by law. (See 1851 CONST. art. II, § 22.)

**§ 22 How receipts, etc., to be published.**

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

**§ 23 Impeachments, how instituted and conducted.**

The house of representatives shall have the sole power of impeaching, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall be upon oath or affirmation, to do justice according to law and evidence: no person shall be convicted without the concurrence of two-thirds of all the senators. (See 1851 CONST. art. II, § 23.)

**§ 24 Who liable to impeachment and punishment.**

The governor, and all other civil officers under this state, shall be liable to impeachment for any misdemeanor in office; but judgment in such case shall not extend further than removal from office, and disqualification to hold any office of honor, profit or trust, under this state. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law. (See 1851 CONST. art. II, § 24.)

**§ 25 When sessions of the general assembly to be held.**

The first session of the general assembly shall commence on the first Tuesday of March next; and forever after, the general assembly shall meet on the first Monday of December, in every year, and at no other period, unless directed by law, or provided for by this constitution. (See 1851 CONST. art. II, § 25.)



**§ 26 Who eligible as candidates or members of the general assembly.**

No judge of any court of law or equity, secretary of state, attorney general, register, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any office under the authority of the United States, or any lucrative office under the authority of this state, (provided that appointments in the militia or justices of the peace, shall not be considered lucrative offices), shall be eligible as a candidate for, or have a seat in, the general assembly. (See 1851 CONST. art. II, § 4.)

**§ 27 Who eligible to other offices.**

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

**§ 28 Public defaulters not eligible as members of the general assembly.**

No person who heretofore hath been, or hereafter may be, a collector or holder of public moneys, shall have a seat in either house of the general assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable. (See 1851 CONST. art. II, § 5.)

ARTICLE II  
OF THE EXECUTIVE

**§ 1 In whom executive power vested.**

The supreme executive power of this state shall be vested in the governor. (See 1851 CONST. art. III, § 5.)

**§ 2 When governor shall be chosen, and how; how his election to be contested.**

The governor shall be chosen by the electors of the members of the general assembly, on the second Tuesday of October, at the same places, and in the same manner, that they shall respectively vote for members thereof. The returns of every election for governor, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the speaker of the senate, who shall open and publish them, in the presence of a majority of the members of each house of the general assembly; the person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections for governor, shall be determined by both houses of the general assembly, in such manner as shall be prescribed by law. (See 1851 CONST. art. III, §§ 1, 3.)

**§ 3 His term of office; who eligible, and for what period.**

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

inhabitant of this state four years next preceding his election. (See 1851 CONST. art. III, § 2.)

**§ 4 He shall recommend measures, etc.**

He shall, from time to time, give to the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient. (See 1851 CONST. art. III, § 7.)

**§ 5 May grant reprieves and pardons.**

He shall have the power to grant reprieves and pardons, after conviction, except in cases of impeachment. (See 1851 CONST. art. III, § 11.)

**§ 6 His compensation.**

The governor shall, at stated times, receive for his services a compensation, which shall neither be increased or diminished, during the term for which he shall have been elected. (See 1851 CONST. art. III, § 19.)

**§ 7 He may require written information, etc.**

He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed. (See 1851 CONST. art. III, § 6.)

**§ 8 What vacancies the governor to fill.**

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

**§ 9 When and how he may convene the general assembly.**

He may, on extraordinary occasions, convene the general assembly, by proclamation, and shall state to them, when assembled, the purposes for which they shall have been convened. (See 1851 CONST. art. III, § 8.)

**§ 10 Commander-in-chief of militia.**

He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States. (See 1851 CONST. art. III, § 10.)

**§ 11 When he may adjourn the general assembly.**

In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the general assembly to such time as he thinks proper; provided it be not a period beyond the annual meeting of the legislature. (See 1851 CONST. art. III, § 9.)

**§ 12 Who shall fill the place when vacancy occurs.**

In case of the death, impeachment, resignation or removal of the governor from office, the speaker of the senate shall exercise the office of governor, until he be acquitted, or another governor shall be duly qualified. In case of the impeachment of the speaker of the senate, or his death, removal from office, resignation or absence

from the state, the speaker of the house of representatives shall succeed to the office, and exercise the duties thereof, until a governor shall be elected and qualified. (See 1851 CONST. art. III, §§ 15, 17.)

**§ 13 Who ineligible.**

No member of congress, or person holding any office under the United States, or this state, shall execute the office of governor. (See 1851 CONST. art. III, § 14.)

**§ 14 Seal of state, and by whom kept.**

There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called "The Great Seal of the State of Ohio." (See 1851 CONST. art. III, § 12.)

**§ 15 How grants and commissions issued.**

All grants and commissions shall be in the name, and by the authority of the state of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary. (See 1851 CONST. art. III, § 13.)

SECRETARY OF STATE

**§ 16 Secretary of state, how appointed; term of office and duties.**

A secretary of state shall be appointed by a joint ballot of the senate and house of representatives, who shall continue in office three years, if he shall so long behave himself well: he shall keep a fair register of all the official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before either branch of the legislature; and shall perform such other duties as shall be assigned him by law. (See 1851 CONST. art. III, §§ 1, 2.)

ARTICLE III  
OF THE JUDICIARY

**§ 1 In whom judicial power vested.**

The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas for each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish. (See 1851 CONST. art. IV, § 1.)

**§ 2 The supreme court.**

The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be directed by law; provided, that nothing herein contained shall prevent the general assembly from adding another judge to the supreme court after the term of five years, in which case the judges may divide the state into two circuits, within which any two of the judges may hold a court. (See 1851 CONST. art. IV, § 2.)

**§ 3 The court of common pleas.**

The several courts of common pleas, shall consist of a president and associate judges. The state shall be divided, by law, into three circuits: there shall be appointed in each circuit a president of the courts, who, during his continuance in

office, shall reside therein. There shall be appointed in each county, not more than three nor less than two associate judges, who, during their continuance in office, shall reside therein. The president and associate judges, in their respective counties, any three of whom shall be a quorum, shall compose the court of common pleas; which court shall have common law and chancery jurisdiction in all such cases as shall be directed by law: provided, that nothing herein contained shall be construed to prevent the legislature from increasing the number of circuits and presidents, after the term of five years. (See 1851 CONST. art. IV, §§ 3, 4, 12.)

**§ 4 Criminal jurisdiction.**

The judges of the supreme court and courts of common pleas, shall have complete criminal jurisdiction in such cases and in such manner, as may be pointed out by law. (See 1851 CONST. art IV, § 4.)

**§ 5 Probate and testamentary.**

The court of common pleas in each county, shall have jurisdiction of all probate and testamentary matters, granting administration, the appointment of guardians, and such other cases as shall be prescribed by law. (See 1851 CONST. art. IV, §§ 4, 8.)

**§ 6 Certiorari.**

The judges of the court of common pleas, shall, within their respective counties, have the same powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done. (See 1851 CONST. art. IV, § 4.)

**§ 7 Judges, conservators of the peace.**

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

**§ 8 Judges; how appointed; term of office and salaries; ineligible to other offices.**

The judges of the supreme court, the presidents and the associate judges of the courts of common pleas, shall be appointed by a joint ballot of both houses of the general assembly, and shall hold their offices for the term of seven years, if so long they behave well. The judges of the supreme court, and the presidents of the courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the authority of this state or the United States. (See 1851 CONST. art. IV, §§ 12, 14.)

**§ 9 Clerks of courts; term, etc.; may be removed.**

Each court shall appoint its own clerk for the term of seven years; but no person shall be appointed clerk, except pro tempore, who shall not produce to the court, appointing him, a certificate from a majority of the judges of the supreme court, that

they judge him to be well qualified to execute the duties of the office of clerk to any court of the same dignity with that for which he offers himself. They shall be removable for breach of good behavior, at any time, by the judges of the respective courts. (See 1851 CONST. art. IV, § 16.)

**§ 10 Terms of courts.**

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

**§ 11 Justices of the peace.**

A competent number of justices of the peace shall be elected by the qualified electors in each township in the several counties, and shall continue in office three years, whose powers and duties shall, from time to time, be regulated and defined by law. (See 1851 CONST. art. IV, § 9.)

**§ 12 Style of process; prosecutions and indictments.**

The style of all process shall be, "The State of Ohio;" all prosecutions shall be carried on in the name and by the authority of the state of Ohio; and all indictments shall conclude, "against the peace and dignity of the same." (See 1851 CONST. art. IV, § 20.)

ARTICLE IV  
OF ELECTIONS AND ELECTORS

**§ 1 Who may vote.**

In all elections, all white male inhabitants above the age of twenty-one years, having resided in the state one year next preceding the election, and who have paid or are charged with a state or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election. (See 1851 CONST. art. V, § 1.)

**§ 2 By ballot.**

All elections shall be by ballot. (See 1851 CONST. art. V, § 2.)

**§ 3 Voters, when privileged from arrest.**

Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same. (See 1851 CONST. art. V, § 3.)

**§ 4 Forfeiture of elective franchise.**

The legislature shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or any other infamous crime. (See 1851 CONST. art. V, § 4.)

**§ 5 Who may vote.**

Nothing contained in this article shall be so construed as to prevent white male persons, above the age of twenty-one years, who are compelled to labor on the roads of their respective townships or counties, and who have resided one year in the state, from having the right of an elector. (See 1851 CONST. art. V, § 1.)

ARTICLE V  
OF THE MILITIA OFFICERS  
(See 1851 CONST. art. IX.)

**§ 1 How officers elected and appointed.**

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

**§ 2 Same subject.**

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

**§ 3 Same subject.**

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

**§ 4 Same subject.**

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

**§ 5 Same subject.**

Majors general and quartermasters general shall be appointed by joint ballot of both houses of the legislature.

**§ 6 Same subject.**

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

**§ 7 Same subject.**

The captains and subalterns of the artillery and cavalry, shall be elected by the persons enrolled in their respective corps; and the majors and colonels shall be appointed in such manner as shall be directed by law. The colonels shall appoint their regimental staff; and the captains and subalterns their non-commissioned officers and musicians.

ARTICLE VI  
OF CIVIL OFFICERS

**§ 1 Sheriff and coroner.**

There shall be elected in each county, one sheriff and one coroner, by the citizens thereof, who are qualified to vote for members of the assembly: they shall be elected at the time and place of holding elections for members of assembly: they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified: provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years. (See 1851 CONST. art. X, §§ 1-3.)

**§ 2 State treasurer and auditor.**

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

**§ 3 Town and township officers.**

All town and township officers shall be chosen annually, by the inhabitants thereof, duly qualified to vote for members of assembly, at such time and place as may be directed by law. (See 1851 CONST. art. X, § 1.)

**§ 4 Other officers.**

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

ARTICLE VII  
OFFICIAL OATHS

**§ 1 Oath of officers.**

Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and of this state, and also an oath of office. (See 1851 CONST. art. XV, § 7.)

BRIBERY AT ELECTIONS

**§ 2 Bribery at elections.**

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

OF NEW COUNTIES

**§ 3 Extent of new counties and representation therein.**

No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be laid off, of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation. (See 1851 CONST. art. II, § 30.)

OF THE SEAT OF GOVERNMENT

**§ 4 Seat of government.**

Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting buildings for the accommodation of the legislature. (See 1851 CONST. art. XV, § 1.)

## OF AMENDMENTS TO THE CONSTITUTION

**§ 5 How proposed and proceeded in.**

That after the year one thousand eight hundred and six, whenever two-thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there be in the general assembly; to be chosen in the same manner, at the same place, and by the same electors that choose the general assembly; who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state. (See 1851 CONST. art. XVI, § 2.)

## BOUNDARIES OF THE STATE

**§ 6 Boundaries of the state designated.**

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

ARTICLE VIII  
BILL OF RIGHTS

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

**§ 1 Right of freedom and to establish and alter government.**

That all men are born equally free and independent, and have certain natural, inherent and unalienable rights; amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and every free republican government, being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties, and securing their independence: to effect these ends they



have at all times a complete power to alter, reform or abolish their government, whenever they may deem it necessary. (See 1851 CONST. art. I, §§ 1, 2.)

**§ 2 Of slavery and involuntary servitude.**

There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of the twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under the pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a bona fide consideration received, or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the state, or if made in the state, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships. (See 1851 CONST. art. I, § 6.)

**§ 3 Of the rights of conscience; the necessity of religion and knowledge.**

That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of conscience; that no human authority can, in any case whatever, control or interfere with the rights of conscience; that no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry, against his consent; and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required, as a qualification, to any office of trust or profit. But religion, morality and knowledge, being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience. (See 1851 CONST. art. I, § 7.)

**§ 4 Of the inviolability of private property.**

Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner. (See 1851 CONST. art. I, § 19.)

**§ 5 Search warrants, and general warrants.**

That the people shall be secure in their persons, houses, papers and possessions, from unwarrantable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described, and without oath or affirmation, are dangerous to liberty, and shall not be granted. (See 1851 CONST. art. I, § 14.)

**§ 6 Of the freedom of speech and the press; of libels.**

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

published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases. (See 1851 CONST. art. I, § 11.)

**§ 7 Of redress in courts.**

That all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered, without denial or delay. (See 1851 CONST. art. I, § 16.)

**§ 8 Trial by jury.**

That the right of trial by jury shall be inviolate. (See 1851 CONST. art. I, § 5.)

**§ 9 Suspension of laws.**

That no power of suspending laws shall be exercised, unless by the legislature. (See 1851 CONST. art. I, § 18.)

**§ 10 Of prisoners, and charges against them.**

That no person, arrested or confined in jail, shall be treated with unnecessary rigor, or be put to answer any criminal charge, but by presentment, indictment or impeachment. (See 1851 CONST. art. I, § 10.)

**§ 11 Of the trial of accused persons, and their rights.**

That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the offense shall have been committed; and shall not be compelled to give evidence against himself, nor shall he be twice put in jeopardy for the same offense. (See 1851 CONST. art. I, § 10.)

**§ 12 Bailable offenses; habeas corpus.**

That all persons shall be bailable by sufficient sureties, unless for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it. (See 1851 CONST. art. I, §§ 8, 9.)

**§ 13 Of bail, fines, and punishments.**

Excessive bail shall not be required; excessive fines shall not be imposed; nor cruel and unusual punishments inflicted. (See 1851 CONST. art. I, § 9.)

**§ 14 Punishment to be proportioned to offense.**

All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crimes of theft, forgery and the like, which they do to those of murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant, with as little compunction

as they do the slightest offenses. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust: the true design of all punishments being to reform, not to exterminate mankind.

**§ 15 Of insolvent debtors.**

The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law. (See 1851 CONST. art. I, § 15.)

**§ 16 Laws; ex post facto; relative to contracts; forfeiture of estate, etc.**

No ex post facto law, nor any law impairing the validity of contracts, shall ever be made; and no conviction shall work corruption of blood, or forfeiture of estate. (See 1851 CONST. art. II, § 28.)

**§ 17 Transportation for crimes.**

That no person shall be liable to be transported out of this state, for any offence committed within the state. (See 1851 CONST. art. I, § 12.)

**§ 18 Of recurrence to the organic law.**

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

**§ 19 Of the right to assemble.**

That the people have a right to assemble together, in a peaceable manner, to consult for their common good, to instruct their representatives, and to apply to the legislature for a redress of grievances. (See 1851 CONST. art. I, § 3.)

**§ 20 Of bearing arms; standing armies; subordination of military power.**

That the people have a right to bear arms for the defence of themselves and the state; and as standing armies in time of peace, are dangerous to liberty, they shall not be kept up; and that the military shall be kept under strict subordination to the civil power. (See 1851 CONST. art. I, § 4.)

**§ 21 Corporal punishment under military law.**

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

**§ 22 Of quartering troops.**

That no soldier, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in the manner prescribed by law. (See 1851 CONST. art. I, § 13.)

**§ 23 Of poll tax.**

That the levying taxes by the poll is grievous and oppressive; therefore, the legislature shall never levy a poll tax for county or state purposes. (See 1851 CONST. art. XII, § 1.)

**§ 24 Hereditary privileges, etc.**

That no hereditary emoluments, privileges or honors, shall ever be granted or conferred by this state. (See 1851 CONST. art. I, § 17.)

**§ 25 Of schools and poor children.**

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

**§ 26 Disposition of proceeds of section 29.**

That laws shall be passed by the legislature, which shall secure to each and every denomination of religious societies, in each surveyed township which now is, or may hereafter be formed in the state, and equal participation, according to their number of adherents, of the profits arising from the land granted by congress, for the support of religion, agreeably to the ordinance or act of congress, making the appropriation.

**§ 27 Incorporation of literary societies.**

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

**§ 28 Powers reserved to the people.**

To guard against the transgression of the high powers, which we have delegated, we declare, that all powers, not hereby delegated, remain with the people. (See 1851 CONST. art. I, § 20.)

## SCHEDULE

**§ 1 Of former suits and claims.**

That no evils or inconveniencies may arise, from the change of a territorial government to a permanent state government, it is declared by this convention, that all rights, suits, actions, prosecutions, claims and contracts, both as it respects individuals and bodies corporate, shall continue, as if no change had taken place in this government. (See 1851 CONST. sched. § 1.)

**§ 2 Of former fines and official bonds.**

All fines, penalties and forfeitures, due and owing to the territory of the United States, northwest of the river Ohio, shall inure to the use of the state. All bonds executed to the governor, or any other officer in his official capacity, in the territory, shall pass over to the governor or the other officers of the state, and their successors in office, for the use of the state, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

**§ 3 Of former officers.**

The governor, secretary and judges, and all other officers under the territorial government, shall continue in the exercise of the duties of their respective departments, until the said officers are superseded under the authority of this constitution. (See 1851 CONST. sched. § 10.)

**§ 4 Of prior laws.**

All laws, and parts of laws, now in force in this territory, not inconsistent with this constitution, shall continue and remain in full effect, until repealed by the legislature, except so much of the act, entitled “an act regulating the admissions and practice of attorneys and counselors at law,” and of the act made amendatory thereto, as relates to the term of time which the applicant shall have studied law, his residence within the territory, and the term of time which he shall have practiced as an attorney at law, before he can be admitted to the degree of counselor at law. (See 1851 CONST. sched. § 1.)

**§ 5 Temporary state seal.**

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

**§ 6 The first election.**

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

**§ 7 The first apportionment of representation.**

Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the county of Hamilton shall be entitled to four senators and eight representatives; the county of Clermont, one senator and two representatives; the county of Adams, one senator and three representatives; the county of Ross, two senators and four representatives; the county of Fairfield, one senator and two representatives; the county of Washington, two senators and three representatives; the county of Belmont, one senator and two representatives; the county of Jefferson, two senators and four representatives; and the county of Trumbull, one senator and two representatives.

Done in convention, at Chillicothe, the twenty-ninth day of November, in the year of our Lord one thousand eight hundred and two, and of the independence of the United States of America, the twenty-seventh.

In testimony whereof, we have hereunto subscribed our names.

EDWARD TIFFIN, President  
and representative from the county of Ross

Joseph Darlington,	}	
Israel Donalson,	}	Adams county.
Thomas Kirker,	}	
James Caldwell,	}	Belmont county.
Elijah Woods,	}	
Philip Gatch,	}	Clermont county.
James Sargent,	}	
Henry Abrams,	}	Fairfield county.
Emanuel Carpenter,	}	
John W. Browne,	}	
Charles Willing Byrd,	}	
Francis Dunlavy,	}	
William Goforth,	}	
John Kitchel,	}	
Jeremiah Morrow,	}	Hamilton county.
John Paul,	}	
John Reily,	}	
John Smith,	}	
John Wilson,	}	
Rudolph Bair,	}	
George Humphrey,	}	
John Milligan,	}	Jefferson county.
Nathan Undegraff,	}	
Bazaleel Wells,	}	
Michael Baldwin,	}	
James Grubb,	}	Ross county.
Nathaniel Massie,	}	
Thomas Worthington,	}	
David Abbott,	}	Trumbull county.
Samuel Huntington,	}	
Ephraim Cutler,	}	
Benjamin Ives Gilman,	}	Washington county.
John McIntyre,	}	
Rufus Putnam,	}	

Attest:  
Thomas Scott, Secretary.