

DEC 5 1818

A

# CONSTITUTION

OF

CIVIL GOVERNMENT,

FOR THE PEOPLE OF THE STATE OF

## CONNECTICUT,

FRAMED BY A CONVENTION OF THEIR DELEGATES,

AND SUBMITTED TO

### THE PEOPLE,

FOR THEIR CONSIDERATION AND ADOPTION.

ACCORDING TO THE RESOLVE OF THE GENERAL ASSEMBLY, PASSED

ON THE SECOND THURSDAY OF MAY, A. D. 1818.



(PUBLISHED BY ORDER OF THE CONVENTION.)



Hartford :

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## Preamble.

THE people of Connecticut acknowledging with gratitude, the good providence of God, in having permitted them to enjoy a free government, do, in order more effectually to define, secure, and perpetuate the liberties, rights and privileges which they have derived from their ancestors, hereby, after a careful consideration and revision, ordain and establish the following Constitution and form of Civil Government.

## Article First.

### DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established,

WE DECLARE,

§ 1. That all men when they form a social compact, are equal in rights ; and that no man or set of men are entitled to exclusive public emoluments or privileges from the community.

§ 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit ; and that they have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.

§ 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this state, provided that the right hereby declared and established, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the state.

§ 4. No preference shall be given by law to any christian sect or mode of worship.

§ 5. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

§ 6. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

§ 7. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

§ 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches or seizures; and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

§ 9. In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favor; and in all prosecutions by indict-

ment or information, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by due course of law. And no person shall be holden to answer for any crime, the punishment of which may be death or imprisonment for life, unless on a presentment or an indictment of a grand jury; except in the land or naval forces, or in the militia when in actual service in time of war, or public danger.

§ 10. No person shall be arrested, detained or punished, except in cases clearly warranted by law.

§ 11. The property of no person shall be taken for public use, without just compensation therefor.

§ 12. All courts shall be open, and every person, for an injury done him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

§ 13. Excessive bail shall not be required, nor excessive fines imposed.

§ 14. All prisoners shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great; and the privileges of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.

§ 15. No person shall be attainted of treason or felony, by the legislature.

§ 16. The citizens have a right, in a peaceable manner, to assemble for their common good, and to

apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

§ 17. Every citizen has a right to bear arms in defence of himself and the state.

§ 18. The military shall, in all cases, and at all times, be in strict subordination to the civil power.

§ 19. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

§ 20. No hereditary emoluments, privileges or honors, shall ever be granted, or conferred in this state.

§ 21. The right of trial by jury shall remain inviolate.

## Article Second.

### OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy—to wit—those which are legislative, to one; those which are Executive to another, and those which are Judicial to another.

## Article Third.

### OF THE LEGISLATIVE DEPARTMENT.

§ 1. The Legislative power of this State shall be vested in two distinct houses or branches; the one

to be styled **THE SENATE**, the other **THE HOUSE OF REPRESENTATIVES**, and both together **THE GENERAL ASSEMBLY**. The style of their laws shall be, *Be it enacted by the Senate and House of Representatives in General Assembly convened.*

§ 2. There shall be one stated session of the General Assembly, to be holden in each year, alternately at Hartford and New Haven, on the first Wednesday of May, & at such other times as the General Assembly shall judge necessary; the first session to be holden at Hartford: but the person administering the office of Governor, may on special emergencies, convene the General Assembly at either of said places, at any other time. And in case of danger from the prevalence of contagious diseases in either of said places, or other circumstances, the person administering the office of Governor may, by Proclamation, convene said Assembly at any other place in this State.

§ 3. The House of Representatives shall consist of electors residing in towns from which they are elected. The number of Representatives from each town shall be the same as at present practised and allowed. In case a new town shall hereafter be incorporated, such new town shall be entitled to one Representative only; and if such new town shall be made from one or more towns, the town or towns from which the same shall be made, shall be entitled to the same number of Representatives as at present allowed, unless the number shall be reduced by the consent of such town or towns.

§ 4. The Senate shall consist of twelve members, to be chosen annually by the electors.

§ 5. At the meetings of the electors, held in the several towns in this state in April annually, after the election of Representatives, the electors present shall be called upon to bring in their written ballots for Senators. The presiding officer shall receive the votes of the electors, and count and declare them in open meeting. The presiding officer shall also make duplicate lists of the persons voted for, and of the number of votes for each, which shall be certified by the presiding officer; one of which lists shall be delivered to the Town Clerk, and the other within ten days after said meeting, shall be delivered under seal, either to the Secretary, or to the Sheriff of the County in which said town is situated; which list shall be directed to the Secretary, with a superscription expressing the purport of the contents thereof. And each Sheriff who shall receive such votes shall within fifteen days after said meeting, deliver, or cause them to be delivered to the Secretary.

§ 6. The Treasurer, Secretary and Controller, for the time being shall canvass the votes publicly. The twelve persons having the greatest number of votes for Senators, shall be declared to be elected. But in cases where no choice is made by the electors in consequence of an equality of votes, the House of Representatives shall designate by ballot which of the candidates having such equal number of votes, shall be declared to be elected. The return of votes, and the result of the canvass, shall be

submitted to the House of Representatives, and also to the Senate, on the first day of the session of the General Assembly, and each House shall be the final judge of the election returns and qualifications of its own members.

§ 7. The House of Representatives when assembled, shall choose a Speaker, Clerk, and other officers. The Senate shall choose its Clerk, and other officers, except the President. A majority 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 in such manner, and under such penalties as each House may prescribe.

§ 8. Each House shall determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent 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.

§ 9. Each House shall keep a journal of its proceedings, and publish the same when required by one fifth of its members, except such parts as in the judgement of a majority require secrecy. The yeas and nays of the members of either House shall, at the desire of one fifth of those present, be entered on the journals.

§ 10. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest, during the session of the General Assembly, and for four days before the commencement, and after the



termination of any session thereof. And for any speech or debate in either House, they shall not be questioned in any other place.

§ 11. The debates of each House shall be public, except on such occasions as in the opinion of the House may require secrecy.

## Article Fourth.

### OF THE EXECUTIVE DEPARTMENT.

§ 1. The supreme executive power of the State shall be vested in a Governor, who shall be chosen by the electors of the State, and shall hold his office for one year from the first Wednesday of May next succeeding his election, and until his successor be duly qualified. No person who is not an elector of this State, and who has not arrived at the age of thirty years, shall be eligible.

§ 2. At the meetings of the electors in the respective Towns in the month of April in each year, immediately after the election of Senators, the presiding officers shall call upon the electors to bring in their ballots for him whom they would elect to be Governor, with his name fairly written. When such ballots shall have been received and counted in the presence of the electors, duplicate lists of the persons voted for, and of the number of votes given for each, shall be made and certified by the presiding officer, one of which lists shall be deposited in the office of the Town Clerk within three days, and the other, within ten days after said election, shall be transmit-

ted to the Secretary, or to the Sheriff of the County, in which such election shall have been held. The Sheriff receiving said votes shall deliver, or cause them to be delivered to the Secretary, within fifteen days next after said election. The votes so returned shall be counted by the Treasurer, Secretary and Controller, within the month of April. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be, by the Treasurer, Secretary and Controller, made and laid before the General Assembly, then next to be holden, on the first day of the session thereof; and said Assembly shall, after examination of the same, declare the person whom they shall find to be legally chosen, and give him notice accordingly. If no person shall have a majority of the whole number of said votes, or if two or more shall have an equal and the greatest number of said votes, then said Assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a Governor from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes so returned as aforesaid. The General Assembly shall by law prescribe the manner in which all questions concerning the election of a Governor or Lieutenant Governor shall be determined.

§ 3. At the annual meetings of the electors, immediately after the election of Governor, there shall also be chosen in the same manner as is herein be-

fore provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same time, and possess the same qualifications.

§ 4. The compensations of the Governor, Lieutenant Governor, Senators, and Representatives, shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing said compensations.

§ 5. The Governor shall be Captain General of the Militia of the State, except when called into the service of the United States.

§ 6. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

§ 7. The Governor, in case of a disagreement between the two Houses of the General Assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

§ 8. 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.

§ 9. He shall take care that the laws be faithfully executed.

§ 10. The Governor shall have power to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the General Assembly, and no longer.

§ 11. All Commissions shall be in the name and by authority of the State of Connecticut; shall be sealed with the State Seal, signed by the Governor, and attested by the Secretary.

§ 12. Every bill which shall have passed both Houses of the General Assembly, shall be presented to the Governor. If he approves, he shall sign and transmit it to the Secretary, but if not, he shall return it to the House in which it originated, with his objections, which shall be entered on the journals of the House; who shall proceed to reconsider the bill. If after such reconsideration, that House shall again pass it, it shall be sent, with the objections, to the other House, which shall also reconsider it. If approved, it shall become a Law. But in such cases the votes of both Houses shall be determined by Yeas and Nays; and the names of the members voting for and against the Bill, shall be entered on the Journals of each House respectively. If the Bill shall not be returned by the Governor within three days, (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevents its return, in which case it shall not be a law.

§ 13. The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate, and when the Senate is equally divided, to give the casting vote.

§ 14. In case of the death, resignation, refusal to serve, or removal from office of the Governor, or

of his impeachment, or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next periodical election for Governor, and be duly qualified ; or until the Governor impeached or absent, shall be acquitted or return.

§ 15. When the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their members, as President *pro tempore*. And if during the vacancy of the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, or be removed from office, or if he shall be impeached, or absent from the State, the President of the Senate *pro tempore*, shall, in like manner, administer the government until he be superseded by a Governor or Lieutenant Governor.

§ 16. If the Lieutenant Governor shall be required to administer the government, and shall, while in such administration, die or resign during the recess of the General Assembly, it shall be the duty of the Secretary, for the time being, to convene the Senate for the purpose of choosing a President *pro tempore*.

§ 17. A Treasurer shall annually be chosen by the electors at their meeting in April ; and the votes shall be returned, counted, canvassed, and declared, in the same manner as is provided for the election of Governor and Lieutenant Governor ; but the votes for Treasurers shall be canvassed by the Secretary and

Controller only. He shall receive all monies belonging to the State, and disburse the same only as he may be directed by law. He shall pay no warrant or order for the disbursement of public money, until the same has been registered in the office of the Controller.

§ 18. A Secretary shall be chosen next after the Treasurer, and in the same manner; and the votes for Secretary shall be returned to, and counted, canvassed and declared by the Treasurer and Controller. He shall have the safe keeping and custody of the public records and documents, and particularly of the Acts, resolutions and orders of the General Assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the Seal of the State, which shall not be altered.

§ 19. A Controller of the public accounts shall be annually appointed by the General Assembly. He shall adjust and settle all public accounts and demands, except grants and orders of the General Assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall *ex officio* be one of the auditors of the accounts of the Treasurer. The General Assembly may assign to him other duties in relation to his office, and to that of the Treasurer, and shall prescribe the manner in which his duties shall be performed.

§ 20. A Sheriff shall be appointed in each county by the General Assembly, who shall hold his office for three years, removeable by said Assembly, and

shall become bound, with sufficient sureties, to the Treasurer of the State, for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law: in case the Sheriff of any county shall die or resign, the Governor may fill the vacancy occasioned thereby, until the same shall be filled by the General Assembly.

§ 21. A statement of all receipts, payments, funds, and debts of the State, shall be published from time to time, in such manner and at such periods, as shall be prescribed by law.

## Article Fifth.

### OF THE JUDICIAL DEPARTMENT.

§ 1. The judicial power of the state shall be vested in a Supreme Court of Errors, a Superior Court, and such Inferior Courts as the General Assembly shall, from time to time, ordain and establish: the powers and jurisdiction of which Courts shall be defined by law.

§ 2. There shall be appointed in each county a sufficient number of Justices of the Peace, with such jurisdiction in civil and criminal cases as the General Assembly may prescribe.

§ 3. The Judges of the Supreme Court of Errors, of the Superior and Inferior Courts, and all Justices of the Peace, shall be appointed by the General Assembly, in such manner as shall by law be prescribed. The Judges of the Supreme Court, and of the Superior Court, shall hold their offices during

good behaviour ; but may be removed by impeachment ; and the Governor shall also remove them on the address of two thirds of the members of each house of the General Assembly : all other Judges and Justices of the Peace shall be appointed annually. No Judge or Justice of the Peace shall be capable of holding his office, after he shall arrive at the age of seventy years.

## Article Sixth.

### OF THE QUALIFICATIONS OF ELECTORS.

§ 1. All persons who have been, or shall hereafter, previous to the ratification of this Constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

§ 2. Every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of twenty-one years ; and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding ; and have a freehold estate of the yearly value of seven dollars in this State ; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law excused therefrom ; or shall have paid a state tax within the year next preceding the time he shall present himself for such admission ; and shall sustain a good moral character ; shall, on his taking such oath as may be prescribed by law, be an elector.



§ 3. The privileges of an elector shall be forfeited, by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence for which an infamous punishment is inflicted.

§ 4. Every elector shall be eligible to any office in this State, except in cases provided for in this Constitution.

§ 5. The select men and town clerk of the several towns, shall decide on the qualifications of electors, at such times, and in such manner, as may be prescribed by law.

§ 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

§ 7. In all elections of officers of the State, or members of the General Assembly, the votes of the electors shall be by ballot.

§ 8. At all elections of officers of the State, or members of the General Assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

§ 9. The meetings of the electors for the election of the several State officers by law annually to be elected, and members of the General Assembly of this State, shall be holden on the first Monday of April in each year.

## Article Seventh.

### OF RELIGION.

§ 1. It being the duty of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and their right to render that worship, in the mode most consistent with the dictates of their consciences; no person shall by law be compelled to join or support, nor be classed with, or associated to, any congregation, church or religious association. But every person now belonging to such congregation, church, or religious association shall remain a member thereof until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians in this State, shall have and enjoy the same and equal powers, rights and privileges; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters assembled at any society meeting, warned and held according to law, or in any other manner.

§ 2. If any person shall choose to separate himself from the society or denomination of Christians to which he may belong, and shall leave a written notice thereof with the clerk of such society, he shall thereupon be no longer liable for any future expenses which may be incurred by said society.

## Article Eighth.

### OF EDUCATION.

§ 1. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an act of the General Assembly, passed in May, 1792, is hereby confirmed.

§ 2. The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools throughout the State, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained in such manner as the General Assembly may prescribe, published, and recorded in the Controller's office; and no law shall ever be made, authorising said fund to be diverted to any other use than the encouragement and support of public, or common schools, among the several school societies, as justice and equity shall require.

## Article Ninth.

### OF IMPEACHMENTS.

§ 1. The House of Representatives shall have the sole power of impeaching.

§ 2. All impeachments shall be tried by the Senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of two thirds of the mem-

bers present. When the Governor is impeached, the Chief Justice shall preside.

§ 3. The Governor, and all other executive and judicial officers, shall be liable to impeachment ; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under this State. The party convicted, shall, nevertheless, be liable and subject to indictment, trial, and punishment according to law.

§ 4. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

## Article Tenth.

### GENERAL PROVISIONS.

§ 1. Members of the General Assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit :

You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States, and the Constitution of the State of Connecticut, so long as you continue a citizen thereof ; and that you will faithfully discharge, according to law, the duties of the office of  
to the best of your abilities.

So help you God.

§ 2. Each town shall annually elect, select men and such officers of local police, as the laws may prescribe.

§ 3. The rights and duties of all corporations shall remain as if this Constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this Constitution. All judicial and civil officers now in office, who have been appointed by the General Assembly, and commissioned according to law, and all such officers as shall be appointed by the said Assembly, and commissioned as aforesaid, before the first Wednesday of May next, shall continue to hold their offices until the first day of June next, unless they shall before that time resign, or be removed from office according to law. The Treasurer and Secretary shall continue in office until a Treasurer and Secretary shall be appointed under this Constitution. All military officers shall continue to hold and exercise their respective offices, until they shall resign or be removed according to law. All laws not contrary to, or inconsistent with, the provisions of this Constitution, shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the General Assembly, in pursuance of this Constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate, or the State, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. The Governor, Lieutenant Governor, and General Assem-

bly, which is to be formed in October next, shall have, and possess, all the powers and authorities, not repugnant to, or inconsistent with this Constitution, which they now have and possess, until the first Wednesday of May next.

§ 4. No Judge of the Superior Court, or of the Supreme Court of Errors; no member of Congress; no person holding any office under the authority of the United States; no person holding the office of Treasurer, Secretary, or Controller; no Sheriff or Sheriff's deputy, shall be a member of the General Assembly.

## Article Eleventh.

### OF AMENDMENTS OF THE CONSTITUTION.

Whenever a majority of the House of Representatives shall deem it necessary to alter, or amend this Constitution, they may propose such alterations and amendments; which proposed amendments shall be continued to the next General Assembly, and be published with the laws which may have been passed at the same session; and if two thirds of each House, at the next Session of said Assembly, shall approve the amendments proposed, by yeas and nays, said amendments shall, by the Secretary, be transmitted to the town clerk in each town in this State; whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town-meeting, legally warned and held for that purpose; and if it shall appear in

a manner to be provided by law, that a majority of the electors present at such meetings, shall have approved such amendments, the same shall be valid, to all intents and purposes, as a part of this Constitution.

*Done in Convention on the fifteenth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.*

*By order of the Convention.*

**OLIVER WOLCOTT, President.**

**JAMES LANMAN,**

**ROBERT FAIRCHILD,**

} **Clerks.**

*In Convention, September 15, A. D. 1818.*

DIRECTED, that the Constitution which has been framed, and approved by this Convention, shall be signed by the President, countersigned by the Clerks, and deposited in the office of the Secretary. And it shall be the duty of the Secretary forthwith to transmit seven hundred copies thereof, to the town Clerks of the several towns in this State, which copies shall be apportioned among said towns according to their respective lists. The said Constitution, shall, by said town Clerks, be submitted to the consideration of the qualified voters in said towns, for their approbation, and ratification, on the first Monday of October next, in the respective town meetings, legally warned for that purpose.

And that the number required to approve, and ratify said Constitution, be a majority of the qualified voters present, and voting at such meetings, to be convened agreeably to the Resolution of the General Assembly, in such case provided, passed at their Session in May last.

A true copy,

Attest—**JAMES LANMAN, Clerk.**