JOURNAL
of the
FIRST CONSTITUTIONAL CONVENTION
of
KENTUCKY

Held in Danville, Kentucky,
April 2 to 19, 1792

Published in Commemoration
of
Kentucky's Sesquicentennial Anniversary,
June 1, 1942,
By the
State Bar Association of Kentucky.

LEXINGTON, KENTUCKY,
1942
THE TEN PRE-STATE CONVENTIONS
(All held in Danville, Kentucky)

An informal meeting of "the principal men of the District", which resulted in the calling of the First Kentucky Convention, was held on November 7 and 8, 1784. Colonel William Fleming presided on the first day of the meeting and Colonel Isaac Shelby presided on the second day. Christopher Greenup was chosen Clerk.

I. The First Convention was begun to be held on Monday, December 27, 1784. Colonel William Fleming was elected President, and Thomas Perkins, Clerk. Delegates to this convention were chosen from the several Militia Companies of the District.

II. The Second Convention was begun to be held on Monday, May 23, 1785. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

III. The Third Convention was begun to be held on Monday, August 8, 1785. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

IV. The Fourth Convention was begun to be held on Monday, September 25, 1786. No quorum being present, adjournment was taken to a later date. A quorum was finally obtained late in January, 1787. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

V. The Fifth Convention was begun to be held on Monday, September 17, 1787. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

VI. The Sixth Convention was begun to be held on Monday, July 28, 1788. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

VII. The Seventh Convention was begun to be held on Monday, November 3, 1788. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

VIII. The Eighth Convention was begun to be held on Monday, July 20, 1789. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

IX. The Ninth Convention was begun to be held on Monday, July 26, 1790. Judge George Nutter was elected President, and Thomas Todd, Clerk.

X. The Tenth (First Constitutional) Convention was begun to be held on Monday, April 2, 1792. Judge Samuel McDowell was elected President, and Thomas Todd, Clerk.

FIRST OFFICERS OF KENTUCKY
1792

Governor .................................................. Isaac Shelby
Secretary of State ......................................... James Brown
Attorney-General ........................................... George Nicholas
State Treasurer ............................................. John Logan
Auditor ...................................................... William McDowell
Adjutant-General .......................................... Percival Butler
Register of Land Office .................................. Baker Ewing
Printer ....................................................... John Bradford
Speaker of Senate .......................................... Alexander S. Bullitt
Speaker of House of Representatives ............ Robert Breckinridge

STATE SENATORS

Peyton Short .............................................. Fayette County
Robert Todd ................................................. " "
Alexander S. Bullitt .................................... Jefferson County
John Campbell ............................................. " "
John Logan ................................................... Lincoln County
John Caldwell ............................................... Nelson County
John Allen ................................................... Bourbon County
William McDowell ........................................ Mercer County
Thomas Kennedy ........................................... Madison County
Alexander D. Orr .......................................... Mason County
Robert Johnson ............................................ Woodford County
STATE REPRESENTATIVES

FAYETTE COUNTY
William Russell,
John Hawkins,
Thomas Lewis,
Hubbard Taylor,
James Trotter,
Joseph Crockett,
James McMillan,
John McDowell,
Robert Patterson.

BOURBON COUNTY
George M. Bedinger,
John Waller,
Charles Smith,
James Smith,
John McKinney.

JEFFERSON COUNTY
Richard Taylor,
Robert Breckinridge;
Benjamin Roberts.

MERCER COUNTY
Samuel Taylor,
John Joubet,
Jacob Erman,
Robert Musby.

LINCOLN COUNTY
William Montgomery,
Henry Pawling,
James Davis,
Jesse Cravens.

MADISON COUNTY
Higgason Grubbs,
Thomas Clay,
John Miller.

NELSON COUNTY
William King,
William Abell,
Matthew Walton,
Edmund Thomas,
Joseph Hobbs,
Joshua Hobbs.

MASON COUNTY
Alexander D. Orr,
John Wilson.

WOODFORD COUNTY
John Grant,
William Steele,
John Watkins,
Richard Young.

COURT OF APPEALS

Chief Justice Harry Innes, (succeeded by George Muter)
Judge Benjamin Sebastian
Judge Caleb Wallace
Clerk Thomas Todd.

UNITED STATES DISTRICT COURT for DISTRICT of KENTUCKY

Judge Harry Innes
Clerk Thomas Todd, (succeeded by James G. Hunter)
District Attorney George Nicholas, (succeeded by William Murray)
Marshal Samuel McDowell, Junior.

UNITED STATES SENATORS

John Brown and John Edwards.

REPRESENTATIVES IN CONGRESS

Christopher Greenup and Alexander D. Orr.

JOURNAL

At a Convention begun and held at Danville in the County of Mercer on Monday the second day of April in the year of our Lord One Thousand seven hundred and ninety-two.

On which day being the day appointed by a resolution of a Convention held for the District of Kentucky on the Thirtieth day of July One Thousand Seven hundred and Ninety.

A Majority of the members having met and taken their Seats.

Ordered That Mr. Thomas Todd be appointed Clerk to this Convention.

The Honorable Samuel McDowell was unanimously elected President.

On Motion Ordered that the rules and regulations for the government of the Convention of July 1789 be read and thereupon the same are adopted as the rules and regulations for the Government of this Convention.

A letter from the Honorable George Muter former President of a Convention to the President of this Convention insuring certain Acts of Congress together with its inclosures were read & ordered to be referred to a Committee of the whole Convention which to sit Tomorrow.

Resolved, That this Convention will Tomorrow resolve itself into a Committee of the whole Convention to take into consideration the matters to them referred.

Ordered That the Act of Assembly of the State of Virginia passed the 18th day of December 1789 entitled "An Act concerning the erection of the District of Kentucky into an Independent State" together with the resolution of the Convention passed the 30th day of June 1790 be referred to the Committee of the whole Tomorrow.

Ordered, That a Committee of Privileged, & Elections be appointed of Mr. Nicholas, Mr. Garrard, Mr. Thomas Lewis, Mr. Logan, Mr. Thomas Kennedy, Mr. Walton, Mr. Bullitt; Mr. Johnson and Mr. Waring who are to examine the several Certificates of election from the different Counties and make report thereof.

Ordered that Mr. Joshua Barbee be appointed Sergeant at arms to this Convention and that he give his attendance accordingly.

Ordered That Mr. Roger Divine be appointed doorkeeper to this Convention & that he give his attendance accordingly.

On Motion, Ordered that when this Convention doth adjourn, that it adjourn to the Presbyterian Meeting house adjoining Danville.

The Convention then adjourned until Tomorrow morning Ten O'clock.

The Convention met according to Adjournment.

Sundry petitions from the County of Bourbon praying for certain principles to be engraven into the Constitution were read and ordered to be referred to the Committee of the whole today.

The Convention then resolved itself into a Committee of the whole Convention to take into consideration the matter to them referred. Mr. Garrard was elected to the Chair, and after sometime the President resumed the Chair and the Chairman reported that the Committee of the whole had taken into consideration the matters to them referred and had made some progress therein, but not having time to go thro' the same had directed him to move for leave to sit again Tomorrow which was granted.

Resolved That this Convention will Tomorrow again resolve itself
into a Committee of the whole to take into further consideration the matters
unto them referred.
The Convention then Adjourned untill Tomorrow morning Ten of
the Clock.
Wednesday the 4th day of April 1792.
The Convention met according to Adjournment.
The Convention according to the order of the day resolved itself into a
Committee of the whole to take into farther consideration the matters to
them referred. Mr. Garrard was elected to the Chair and after sometime
the President resumed the Chair and the Chairman reported that the Com-
mittee of the whole had taken into their farther consideration the matters to
them referred and had made some farther progress therein but not having
time to go thro' the same had directed him to move for leave to sit again,
which was granted.
Resolved That this Convention will Tomorrow again resolve itself into
a Committee of the whole to take into their farther consideration the matters to
them referred.
The Convention then adjourned untill Tomorrow morning Ten O'Clock.
Thursday the 5th day of April 1792.
The Convention met according to Adjournment.
Ordered That Mr. Nicholas Lewis be appointed Serjeant at arms during
the absence of Mr. Joshua Barbee.
The Convention according to the order of the day, resolved itself into a
Committee of the whole to take into farther consideration the matters to
them referred. Mr. Shelby was elected to the Chair and after sometime spent the
President resumed the Chair and the Chairman reported that the committee
of the whole had taken into their farther consideration the matters to
them referred and had made farther progress therein but not having time to go thro'
the same had directed him to move for leave to sit again Tomorrow which
was granted.
Resolved That this Convention will Tomorrow again resolve itself into
a Committee of the whole to take into farther consideration the matters to
them referred.
The Convention Adjourned till Tomorrow Morning 10 O'Clock.
Friday the 6th day of April 1792.
The Convention met according to Adjournment.
Resolved That this Convention will now according to the Order of the
day resolve itself into a Committee of the whole to take into farther considera-
tion the matters to them referred. Mr. Shelby was elected to the Chair
and after sometime spent the President resumed the Chair and the Chairman
reported that the Committee of the whole had taken into farther considera-
tion the matters to them referred and had made farther progress therein but
not having time to go thro' the same had directed him to move for leave to sit
again Tomorrow which was granted.
Resolved That this Convention will Tomorrow again resolve itself into
a Committee of the whole to take into farther consideration the matters to
them referred.
The Convention then adjourned untill Tomorrow morning Ten O'Clock.
Saturday the 7th day of April 1792.
The Convention met according to Adjournment.
Resolved That this Convention will now according to the order of the
day resolve itself into a Committee of whole to take into their farther con-
sideration the matters to them referred. Mr. Shelby was elected to the Chair
and after sometime spent Mr. President resumed the Chair and the Chairman
reported that the Committee of the whole had taken into their farther considera-
tion the matters to them referred and had made some farther progress therein
but not having time to go thro' the same had directed him to move for leave to sit
again Monday next which was granted.

George Nicholas Esquire a member for the County of Mercer resigned his
seat as a member of this House and entered his resignation in the following
words viz: "I George Nicholas of the County of Mercer do hereby resign my
seat as a member of the Convention chosen by the freemen of Kentucky for
the purpose of framing a fundamental Constitution for the State of Kentucky.
Given under my hand this 7th day of April 1792."

George Nicholas.

Ordered That a writ for the election of a member for the County of
Mercer be immediately issued to supply the place of George Nicholas Esquire
who has resigned his seat and that the Election be held at the Courthouse
of the said County on Monday the ninth day of the present month.

Ordered That Mr. Crawford have leave of absence from the service of
this house until Tuesday next, Mr. Smith and Mr. Frier until Monday
12 O'Clock.

Resolved That the President of this Convention do present the thanks
thereof to George Nicholas Esquire for his particular attention & zealos
usefulness in conducting the business while a member of this House.

Resolved That this Convention will according to the order of the day
again on Monday next resolve itself into a Committee of the whole to take
into farther consideration the matters to them referred.
The Convention adjourned untill Monday 10 o'Clock.
Monday the 9th day of April 1792.
The Convention met according to Adjournment.
There not being a sufficient number to proceed to business tho' the
inclemency of the weather Ordered That the Convention do adjourn untill
Tomorrow morning 10 O'Clock.
Tuesday the 10th day of April 1792.
The Convention met according to Adjournment.
Resolved, That this Convention do now resolve itself into a committee
of the whole to take into farther consideration the matters to them referred.
Mr. Garrard was elected to the Chair, and after some time spent Mr. President
resumed the Chair, Mr. George Nicholas from the County of Mercer being
relected appeared & took his seat the Convention again went into a Com-
mmittee of the whole & Mr. Garrard was again elected to the Chair and after
some farther time spent therein the President resumed the Chair & the
Chairman reported that the Committee of the whole had taken into their
farther consideration the matters to them referred & had made some farther
progress therein but not having time to go thro' the same had directed him
to move for leave to sit again Tomorrow which was granted.

Resolved That this Convention will Tomorrow again resolve itself into
a Committee of the whole to take into farther consideration the matters to
them referred.
The Convention then Adjourned untill Tomorrow Morning 10 O'Clock.
Wednesday the 11th day of April 1792.
The Convention met according to adjournment.
Resolved That the Convention do now according to the order of the
day resolve itself into a Committee of the whole to take into their farther con-
sideration the matters to them referred. Mr. Garrard was elected to the Chair
and after some time spent Mr. President resumed the Chair and the Chairman
reported that the Committee of the whole had taken into their
farther consideration the matters to them referred and had made some farther progress therein but not having time to go thro' the same had directed him to move for leave to sit again tomorrow which is granted. Mr. David Rice from the County of Mercer resigned his seat as a member for this house and entered his resignation in the following words viz. I David Rice a member for the County of Mercer do hereby resign my seat in the Convention chosen by the freemen of Kentucky to frame a fundamental constitution for the State of Kentucky Given under my hand this 11th day of April 1792.

David Rice.

Ordered, That a Writ be immediately issued for the election of a Member for the County of Mercer to supply the place of Mr. David Rice who hath this day resigned and that the election be held at the Courthouse of the said County on Friday the 13th day of Instant.

Resolved That this Convention will tomorrow again resolve itself into a Committee of the whole to take into farther consideration the matters to them referred.

The Convention then Adjourned until tomorrow morning 10 O’Clock.

Thursday the 12th of April 1792.

The Convention met according to Adjournment.

Resolved, That this Convention will now resolve itself into a Committee of the whole to take into farther consideration the matters to them referred. Mr. Shelby was elected to the Chair, and after some time spent in discussion the President resumed the Chair and the Chairman reported that the Committee had taken into their farther consideration the matters to them referred and had made some farther progress therein but not having time to go through the same had directed him to move for leave to sit again tomorrow—which is granted.

Resolved that this convention will tomorrow again resolve itself into a Committee of the whole to take into farther consideration the matters to them referred.

The Convention then adjourned until tomorrow morning 10 O’Clock.

Friday the 13th day of April 1792.

The Convention met according to Adjournment.

Resolved That this Convention do now according to the order of the day resolve itself in a Committee of the whole to take into farther consideration the matters to them referred Mr. Garrard was elected to the Chair and after some time spent The President resumed the Chair and the Chairman reported that the Committee of the whole had taken into their farther consideration the matters to them referred and come to sundry resolutions thereon, which he delivered in at the Clerk’s Table where they were twice read, some of them amended & then the whole agreed to as follows viz.

Resolved That the powers of Government ought to be divided into three distinct departments each of them to be confined to a separate body of Magistracy those which are legislative to one, those which are executive and those which are judiciary to another except such cases as may hereafter be particularly excepted.

Resolved That the legislative power ought to be vested in a General Assembly to consist of a senate and a house of Representatives.

Resolved That all free male citizens who have arrived to the age of Twenty-ONE years who have been resident in the State two years or the County in which they offer to vote for one year before, ought to enjoy the right of suffrage but no person shall be entitled to vote but in the County in which he actually resides.

Resolved That the number of representatives ought to be apportioned among the different Counties according to the numbers of qualified electors in each (and that the whole number ought never to be less than forty nor greater than One Hundred; and that they ought to be chosen annually.)

Resolved that all free male citizens who have arrived at the age of twenty-one years and have been resident in the State two years or the County in which they offer to vote for one year before, ought to enjoy the right of suffrage, and that no person shall be entitled to vote only in the County in which he resides.

Resolved, That the Senate ought to be chosen for four years, by Electors chosen by the freemen qualified to Elect representatives; that the Senators be chosen from the State at large, provided that at least one Senator shall be chosen out of each County and that the Electors be on oath to make choice of such persons as in their opinions are best qualified to discharge the duties of the office; and that no person ought to be actually resident who shall not have been a citizen for twenty-one years and have been a Citizen and Inhabitant of the State two years next before his election.

Resolved That an enumeration of the qualified Electors ought to be made within two years after the first meeting of the General Assembly and within every subsequent period of four years.

Resolved That until representation be regulated according to the number of qualified voters the Senate shall consist of Eleven members, thereafter for every four members added to the House of Representatives one member shall be added to the Senate until they shall consist of sixty-six members.

Resolved That Members of the General Assembly ought to receive from the public Treasury a compensation for their expenses, which for the present ought to be fixed at six shillings a day, during their attendance on going to and returning from the legislature but the same may be increased or diminished by law if circumstances shall require it but no alterations shall be made to take effect during the existence of the Legislature which shall make such alteration.

Resolved That no Senator or Representative during the time for which he shall have been elected or for one year afterwards ought to be appointed to any civil office under the State, which shall have been created, or the emoluments of which shall have been increased, during the time such Senator or Representative was in Office provided that no Member of the first Legislature which shall be assembled under this Constitution shall be precluded from being appointed to any Office which may have been created during his time of service in the said Legislature and other persons not Members of Congress or other persons not Members of the Office of profit under the United States or this Commonwealth or persons whose fees are fixed by Law except Attorneys at Law Justices of the peace Militia Officers & Coroners, ought to be a member of either House during his continuance in Congress or office.

Resolved That every Senator or Representative ought before he be permitted to act as such to take an oath or make an affirmation that he hath not directly or indirectly given or promised any bribe or to have been a Senator or Representative, who shall be convicted of having given or offered any bribe or treat or canvased for the same.

Resolved, That the Supreme Executive power of the Commonwealth ought to be vested in a Governor to be chosen every fourth year by the State Electors when assembled for the purpose of choosing Senators. That he may be reelected as often as the Electors please. That he ought to be at least thirty years of age and have been a Citizen and Inhabitant of the State at least two years next before his Election; That no members of Congress or
person holding any office under the United States, or this State ought to exercise the office of Governor. That the Governor ought at stated times to receive for his services a compensation which shall neither be increased or diminished during the period for which he shall have been elected. That he ought to be commander in chief of the Army and Navy of this Commonwealth and of the Militia; except when they shall be called into actual service of the United States. That he ought to appoint all Officers whose offices are established by this Constitution or shall be appointed by Law and whose appointments are not otherwise provided for by the Constitution. That he ought to have power to remit fines and forfeitures and grant reprieves and pardons except in cases of impeachment & Treason. That he ought to have power to require information from the Officers in the Executive department upon any subject relating to the duties of their respective offices. That he ought to have power in extraordinary occasions to convene the General Assembly, and in cases of disagreement between the two Houses with respect to the time of adjournment to adjourn them to such time as he shall judge expedient. That he ought to have power on extraordinary occasions to convene the General Assembly, and in cases of disagreement between the two Houses with respect to the time of adjournment to adjourn them to such time as he shall judge expedient.

That it ought to be taken care that the Laws be faithfully executed. That every Bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon their Journals and proceed to reconsider it, if after such reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered and if approved by two-thirds of that House it shall be a Law. But in such cases the votes of both Houses shall be determined by yeas & nays and the names of the persons voting for and against the Bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him it shall be a Law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall be a Law unless sent back within three days after the next meeting. That in case of the death, or resignation of the Governor or of his removal from office the Speaker of the Senate ought to exercise the Office of Governor until another Governor shall be duly qualified.

That a Secretary ought to be appointed and commissioned during the Governor’s continuance in Office if he shall so long behave himself well, he shall keep a fair Register of and attest all the Official Acts & proceedings of the Governor and shall when required lay the same and all other papers, minutes and vouchers relative thereto before either branch of the Legislature, and shall perform such other duties as shall be enjoined him by Law. That an Attorney General ought to be appointed commissioned during good behaviour who shall appear for the Commonwealth in all criminal prosecutions and in any civil matter in which the Commonwealth is interested in any of the Supreme Courts, shall give his opinion when called on for that purpose by either branch of the Legislature, or by the Executive & shall perform such other duties as shall be enjoined him by Law.

That the Members of the General Assembly and all Officers executive and judicial ought to be bound by oath or affirmation to support the Constitution of the Commonwealth and to perform the duties of their respective Offices with fidelity. That a Declaration of rights ascertaining (sic) and securing from encroachment, the great principles of civil and religious liberty and the rights of property ought to be annexed to the Constitution.

Resolved that all elections ought to be by ballot except those by persons in their representative capacities who ought to vote & except in the election of the State Treasurer which shall be by joint ballot of the two houses of the General Assembly.

That the House of Representatives ought to have the sole power of impeaching. That all impeachments ought to be tried by the Senate. And that the Governor and all other civil Officers under this Commonwealth ought to be liable to impeachment for any misdemeanor in Office.

Resolved That it ought to be declared that the legislature shall have no power to emancipate slaves without the consent of their owners, or without paying their owners the equivalent of freedom for the slaves so emancipated. That they shall have no power to prevent the exportation of slaves from this state to be employed as slaves by any of the United States. That they shall have full power to pass such laws as may be necessary to prevent the exportation of slaves from being brought into the State as merchandise. That they shall have full power to pass such laws as may be necessary to prevent the exportation of slaves from being brought into the State as merchandise. That they shall have full power to prevent any slaves being brought into this State who have been or shall be imported into any of the United States from a foreign country since the first day of January 1789. And that they shall have full power to pass such laws as may be necessary to prevent the exportation of slaves from being brought into the State as merchandise. That they shall have full power to prevent any slaves being brought into this State who have been or shall be imported into any of the United States from a foreign country since the first day of January 1789.

That Sheriffs & Coroners ought to be chosen by the Electors qualified to choose representatives.

That Sheriffs and Coroners ought to hold their offices for three years, if they so long behave well and until a Successor be qualified but no person ought to be twice appointed Sheriff in any term of six years. That militia officers of each Company ought to be chosen by the persons enrolled in the list of such company and commissioned during good behaviour and that the field & staff Officers ought to be appointed by the Governor & commissioned in like manner.

Resolved That no person ought to be a representative who shall not have attained the age of Twenty-four years and have been a citizen and inhabitant of the State one year next preceding his election and the last six months an inhabitant of the County in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this State.

Resolved That laws ought to be made to exclude from Office & from suffrage those who shall thereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanors.

The privilege of free suffrage ought to be supported by laws regulating elections, & prohibiting under adequate penalties all constraints from power, bribery, tumult or other undue influence or practices.

Resolved That Treason against this Commonwealth ought to consist only in levying war against it or in adhering to its enemies giving them aid and comfort; and no person ought to be convicted of Treason, unless on the
Resolved That no money ought to be drawn from the treasury but in consequence of appropriations made by law; nor ought any appropriations of money for the support of any army be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public money ought to be published annually.

That the Legislature ought to point out by law in what manner and in what court suits may be brought against the Commonwealth.

That the manner of administering an oath or affirmation ought to be such only as is consistent with the conscience of the Deponent & esteemed by the Legislature the most solemn appeal to God.

Resolved That the compact with Virginia subject to such alterations as may be made therein agreeable to the mode prescribed by the said compact ought to be declared a part of the Constitution.

That every Court ought to appoint its own Clerk but no one ought to be appointed Clerk only upon the same grounds that those who do not produce a Certificate from a majority of the Judges of the Supreme Court of Appeals that he has been examined by their Clerk in their presence & under their direction and that they judge him to be well qualified to execute the Office of Clerk to any Court of the same dignity with that for which he offers himself.

Resolved That the Judicial power of the State, both as to matters of law and equity ought to be vested in one Supreme Court and in such inferior Courts as the Legislature may from time to time ordain and establish. That the Judges of the Supreme Court shall hold their Offices during good Behaviour & shall at stated times receive for their services a compensation which shall not be diminished during their continuance in Office. That in all cases respecting the titles to land under the present land laws of Virginia including those which may be depending in the present Supreme Court for the District of Kentucky at the time of establishing the said Supreme Court and in all cases concerning contracts for land prior to the establishment of those titles, the Supreme Court shall have original & final jurisdiction, and shall have power to hear and determine the same in a summary way, and to direct the mode of bringing the same to a hearing so as to enable them to do right in justice to the parties with as little delay and at as small an expense as the nature of the business will allow; provided that in cases of dispute about a fact either party shall have a right to demand that the fact shall be ascertained by a Jury and to such steps as they may judge proper to perpetuate testimony in all cases concerning such titles.

But the said Court shall in all such cases oblige the parties to state the material parts of their complaint & defence in writing. And shall on the conclusion of every cause state on the records the whole merits of the case, the questions arising therefrom the Opinions of the Court thereupon & a summary of the reasons in support of those Opinions & that it shall be the duty of each Judge of the Supreme Court present at the hearing of any such cause and differing from the opinion of the Court thereupon as aforesaid and that each Judge shall deliver his opinion in writing to be entered as aforesaid and that each Judge shall deliver his opinion in open Court. Provided that the Legislature shall have power if upon experiment, the giving the Supreme Court original Jurisdiction in Land disputes shall not be found to attend with benefit to the State at large, to pass an Act or Acts to take from the said Court the Original Jurisdiction hereby given to them.

That in all other cases the Supreme Court shall have appellate Jurisdiction only, with such exceptions & under such regulations as the Legislature shall make. And the Legislature may from time to time vest in the Supreme & inferior Courts or either of them such powers both in law and equity as they shall judge proper for the due administration of Justice. And that the Governor ought to have power to remove any of the Judges of either of the said Courts on the Joint address of two-thirds of both houses of the Legislature.

Resolved that it ought to be declared that a Convention shall be held at the expiration of years for the purpose of repealing, amending or changing this Constitution as to them shall seem most expedient; provided that a majority of the Electors voting for representatives shall for two years subsequent to their opinion that such Convention ought to be held.

Mr. Nicholas then moved the Convention to come to the following Resolve viz. Resolved that the place for the seat of government ought to be fixed in the following manner. The House of representatives shall choose by ballot 21 persons, from whom the representation from Fayette and Mercer then present shall alternately strike out one until the number shall be reduced to five, which five shall have power to fix on the place for the seat of government and to receive grants from individuals therefor & to make such conditions with the proprietors of the lands so pitched on by them, as to them shall seem right & shall be agreed to by the said proprietors that the said Commissioners before they proceed to act shall take an oath or affirmation to discharge the trust reposed in them in such manner as in their judgments, will be most beneficial to the State at large & that the seat of government when so fixed ought not to be removed without the consent of two-thirds of both branches of the Legislature, which resolution being twice read was agreed to by the Convention.

Ordered that a select Committee be appointed to prepare a Constitution and make report thereon on Tuesday next. And a Committee was appointed of Mr. Nicholas, Mr. Harrison of Nelson, Mr. Sebastian, Mr. Shelby, Mr. Thomas Kennedy, Mr. Thomas Lewis, Mr. Wallace, Mr. Garrard, Mr. Warings & Mr. Bullett.

Ordered That when this Convention adjourns that it doth adjourn until Tuesday next.

The Convention then Adjourned accordingly.

Tuesday the 17th day of April 1792.

The Convention met according to Adjournment.

Mr. Nicholas from the select committee appointed to prepare a Constitution reported that the committee had taken the same into consideration & prepared a Constitution which he delivered in at the Clerk's Table where it was read & ordered to be referred to a Committee of the whole which is to sit immediately.

Ordered that this Convention do now resolve itself into a Committee of the whole to take the said Constitution into consideration. Mr. Garrard was elected to the Chair and after some time spent the President resumed the Chair & the Chairman reported that the Committee of the whole had taken the said Constitution into consideration & had made several amendments thereto which he was ready to report whenever the house thought proper.

Ordered that the said report be put off until Tomorrow.

The Convention then adjourned until Tomorrow morning 10 O'Clock.

Wednesday the 18th day of April 1792.

The Convention met according to Adjournment.

Mr. Garrard from the Committee of the whole of yesterday to whom was referred the Constitution reported from the Select Committee, that the Committee of the whole had taken the said Constitution into consideration.
Ordered That the constitution, with the amendments thereto which were delivered in at the Clerk's Table where they were again read & agreed to as follows: In Article the first, section the forty-fourth, after the word "may" in the second line thereof insert "but the several elections may be continued for three days, if in the opinion of the presiding Officer or Officers it be necessary, and no longer."

In Article the first, section the twenty-fourth after the word "number", in the same article & section after the word "constituencies" in the tenth line thereof insert "as to a Minister of."

In Article the ninth and section the third after the word "shall" in the first line erase the words, "have full power to.

Mr. Nicholas then moved the following amendment to the Schedule viz: All offenses against the laws of Virginia which have been committed within the present District of Kentucky, or which may be committed within the same before the first day of June next, shall be cognizable in the courts of this State in the same manner that they would be if they were committed within this State after the said first day of June next. [At] All the elections herein directed to be held in May next, the Sheriff of each County, or in case of his absence one of his Deputy shall preside and if they neglect or refuse to act the said election shall be held by any of the Justices of the peace for the county where such neglect or refusal shall happen. Each officer holding such election having first taken an oath before a Justice of the peace to conduct the said election with impartiality shall have power to administer to any person offering to vote at such election, the following Oath or affirmation. "I do swear (or affirm) that I am qualified to vote for representatives in the County of and do hereby consent to the Constitution framed for the State of Kentucky, and such officer shall have a right to refuse to receive the vote of any person who shall refuse to take the said oath or make such affirmation when tendered to him. And the said Elections shall be held at the several places appointed for holding Courts in the different Counties, which having been twice read was agreed to by the Convention.

A motion was made by Mr. Taylor of Mercer and seconded by Mr. Smith of Bourbon to expunge the Ninth Article of the Constitution respecting slavery, which was negatived and the yes & nays on the question were ordered to be entered on the Journals. The names of those who voted in the affirmative were Mr. Andrew Hynes, Mr. Samuel Taylor, Mr. Jacob Froman, The Honble Harry Innes, the Reverend John Bailey, The Reverend Benedict Swope, The reverend Charles Kavanaugh, The reverend George Smith, Mr. Robert Frier, The Reverend James Crawford, The reverend James Garrard, Mr. James Smith, Mr. John McKinney, Mr. George Lewis, Mr. Miles W. Conway and Mr. John Wilson.

The names of those who voted in the negative were Mr. President, Mr. Benjamin Sebastian, Mr. John Campbell, Mr. Wm. King, Mr. Matthew Walton, Mr. Joseph Hobbs, Mr. Cathbert Harrison, Mr. George Nicholas, Mr. Benjamin Logan, Mr. Isaac Shelby, Mr. Wm. Montgomery, Mr. Thomas Kennedy, Mr. Joseph Kennedy, Mr. Thomas Clay, Mr. Higgason Grubbs, Mr. Richard Taylor, Mr. Thomas Lewis, Mr. John Watkins, Mr. Richard Young, Mr. William Steele, The Honble Caleb Wallace, Mr. Robert Johnson, Mr. John Edwards, Mr. Benjamin Harrison, Mr. Robert Rankin & Mr. Thomas Waring.

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The Electors of the Senate shall meet at such place as shall be appointed for convening the legislature on the third Tuesday in May in the present year and on the same day in every fourth year thereafter and they or a majority of them so met shall proceed to elect by ballot as senators men of the most wisdom, experience & virtue above twenty-seven years of age who shall have been residents of the state above two whole years next preceding the election.

If on the ballot two or more shall have an equal number of ballots in their favor by which the choice shall not be determined by the first ballot then the electors shall again ballot before they separate, in which they shall be confined to the persons, who on the first ballot shall have had an equal number, and they who shall have the greatest number in their favor on the second ballot, shall be accordingly declared and returned duly elected & if on the second ballot an equal number shall still be in favor of two or more persons, then the election shall be determined by lot between those who have equal numbers, which proceedings of the Electors shall be certified under their hands and returned to the Secretary for the time being to whom they shall also be made by the proper Officers returns of the persons chosen as electors in the respective counties.

The electors of senators shall judge of the qualifications & elections of members of their body and on a contested election shall admit to a seat as an elector such qualified person as shall appear to them to have the greatest number of legal votes in his favor.

The electors immediately on their meeting and before they proceed to the election of senators shall take an oath or make affirmation of fidelity to this state and also an oath or affirmation to elect without favor, affection, partiality or prejudice such person for Governor and such persons for senators as they in their Judgment & conscience believe best qualified for the respective offices.

That in case of refusal, death, resignation, disqualification or removal out of this state of any senator the Senate shall immediately thereupon or at their next meeting thereafter elect by ballot in the same manner as the electors are herein directed to choose senators, another person in his place for the residue of the said term of four years.

The general assembly shall meet on the first Monday in November in every year till the time of their meeting shall be altered by the legislature unless sooner convened by the Governor.

Each house shall choose its speaker and other officers and the senate shall also choose a speaker protempore when their speaker shall exercise the Office of Governor. Each house shall judge of the qualifications of its members; contested elections shall be determined by a Committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized by law to compel the attendance of absent members in such manner & under such penalties as may be provided.

Each house may determine the rules of its proceedings, punish its members for disorderly behaviour and with the concurrence of two-thirds expedel a member but not a second time for the same cause.

Each house shall keep a journal of its proceedings & publish them weekly, except such parts of them as may require secrecy and the yeas & nays of the members on any question shall at the desire of any two of them be entered on the Journals.

The doors of each house and of Committees of the whole shall be open unless when the business shall be such as ought to be kept secret.

Neither house shall without the consent of the other adjourn for more than three days nor to any other place than that in which the two houses shall be sitting.

The members of the general assembly and the electors of the senate shall receive from the public Treasury a compensation for their services which for the present shall be six shillings a day during their attendance on, going to and returning from the legislature and the place for choosing the senators, but the same may be increased or diminished by law, if circumstances shall require it, but no alteration shall be made to take effect during the existence of the legislature, which shall make such alteration, they shall in all cases except Treason, felony, breach or sorety of the peace be privileged from arrest during their attendance at the session of the respective houses and at the place for choosing senators 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.

No senator or representative shall during the time for which he shall have been elected or for one year afterwards be appointed to any civil office under this state which shall have been created or the emoluments of which shall have been increased during the time such senator or representative was in Office, provided that no member of the first legislature which shall be assembled under this Constitution shall be precluded from being appointed to any office which may have been created during his time of service in the said legislature and no Minister of religious Societies, member of Congress or other person holding any office of profit under the United States or this Commonwealth except attorneys at law Justices of the peace Militia Officers and Coroners shall be a member of either house during his continuance to act as a minister, in Congress or in office.

When vacancies happen in the house of representatives the Speaker shall issue writs of election to fill such vacancies.

All bills for raising revenue shall originate in the house of representatives but the senate may propose amendments as in other bills.

Each senator representative and sheriff shall before he be permitted to act as such take an oath or make affirmation that he hath not directly or indirectly given or promised any bribe or treat to procure his election to the said office and every person shall be disqualified from serving as a senator, representative or sheriff for the term for which he shall have been elected who shall be convicted of having given or offered any bribe or treat or canvassed for the said office.

Every Bill which shall have passed both houses shall be presented to the Governor if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to reconsider it, if after such reconsideration two-thirds of that house shall agree to pass the bill it shall be sent with the objections to the other house by which likewise it shall be reconsidered, and if approved by two-thirds of both houses it shall be a law, but in such cases the votes of both houses shall be determined by yeas and nays and the names of the persons voting for or against the bill shall be entered on the journal of each house respectively, if any bill shall not be returned by the Governor within ten days Sundays excepted after it shall have been presented to him it shall be a law in like manner as if he had signed it unless the general Assembly

9 13
by their adjournment prevent its return in which case it shall be a law unless sent back within three days after their next meeting.

Every order, resolution or vote to which the concurrence of both houses may be necessary except on a question of adjournment shall be presented to the Governor and before it shall take effect be approved by him or being disapproved shall be repassed by two-thirds of both houses according to the rules & limitations prescribed in case of a bill.

Article 2d.

Section 1. The supreme executive power of this Commonwealth shall be vested in a Governor.

11. The Governor shall be chosen by the electors of the Senate at the same time, at the same place and in the same manner that they are herein directed to elect senators, and the said Electors shall make return of their proceedings in the choice of a Governor to the Secretary for the time being.

111. The Governor shall hold his office during four years from the first day of June next ensuing his election.

He shall be at least thirty years of age, and have been a citizen and inhabitant of this state at least two years next before his election unless he shall have been absent on the public business of the United States or of this state.

No member of congress or person holding any office under the United States or this State shall exercise the office of Governor. The Governor shall at stated times receive for his services, a compensation which shall neither be increased nor diminished during the period for which he shall have been elected.

He shall be commander in chief of the Army & navy of this Commonwealth and of the Militia, except when they shall be called into the service of the United States.

He shall nominate and by and with the advice & consent of the Senate appoint all officers whose offices are established by this Constitution, or shall be established by law; and whose appointments are not herein otherwise provided for; but no person shall be appointed to an 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 it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. The Governor shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

He shall have power to remit fines and forfeitures and grant reprieves and pardons, except in cases of impeachment; in cases of treason he shall have power to grant reprieves until the end of the next session of the General Assembly in whom the power of pardoning shall be vested.

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

He shall from time to time give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient. He may on extraordinary occasions convene the general assembly and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper not exceeding four months.

He shall take care that the laws be faithfully executed. In case of the death, or resignation of the Governor or of his removal from office, the Speaker of the senate shall exercise the office of Governor until another shall be duly qualified.

An Attorney General shall be appointed and commissioned during good behaviour, who shall appear for the Commonwealth in all criminal prosecutions, and in all civil cases in which the Commonwealth shall be interested in any of the Superior courts, shall give his opinion when called upon for that purpose by either branch of the legislature or by the executive, and shall perform such other duties as shall be enjoined him by law.

A Secretary shall be appointed and commissioned during the Governor's continuance in Office if he shall so long behave himself well, he shall keep a fair register of & attest all the official acts and proceedings of the Governor, and shall when required lay the same and all papers minutes and vouchers relative thereto before either branch of the legislature and shall perform such other duties as shall be enjoined him by law.

Article 3rd.

Section 1. In elections by the Citizens all free male Citizens of the age of twentyone years having resided in the State two years or the county in which they offer to vote one year next before the election shall enjoy the rights of an elector but no person shall be entitled to vote except in the county in which he shall actually reside at the time of the election.

All elections shall be by ballot.

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

Article 4th.

Section 1. The house of representatives shall have the sole power of impeaching.

All impeachments shall be tried by the senate; when sitting for that purpose the senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office. But judgment 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 commonwealth; but the party convicted shall nevertheless be liable and subject to indictment trial judgment and punishment according to law.

Article 5th.

Section 1st. The judicial power of this Commonwealth both as to matters of law & Equity shall be vested in one supreme court which shall be sited the court of Appeals and in such inferior courts as the legislature may from time to time ordain and establish.

The judges both of the supreme & inferior courts shall hold their offices during good behavior. But for any reasonable cause which shall not be sufficient ground of impeachment the Governor may remove any of them on the address of two-thirds of each branch of the legislature. They 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.

The Supreme Court shall have original and final jurisdiction in all cases respecting the titles to land under the present land laws of Virginia including those which may be depending in the present supreme court for the district.
of Kentucky at the time of establishing the said supreme court and in all cases concerning contracts for land prior to the establishing of those titles.

And the said court shall have power to hear and determine the same in a summary way and to direct the mode of bringing the same to a hearing so as to enable them to do right & justice to the parties with as little delay and at as small an expense as the nature of the business will allow. But the said Court shall in all such cases oblige the parties to state the material parts of their complaint and defence in writing and shall on the conclusion of every cause state on the records the whole merits of the case, the questions arising therefrom, the opinions of the Court thereupon, and a summary of the reasons in support of those opinions.

And it shall be the duty of each Judge of the Supreme Court present at the hearing of any such cause, and differing from a majority of the Court to deliver his opinion in writing to be entered as aforesaid and each Judge shall deliver his opinion in open Court.

And the said Court shall have power on the determination of any such case to award the legal costs against either party or to divide the same among the different parties as to them shall seem just and right. And the said Court shall have full power to take such steps as they may judge proper to perpetuate testimony in all cases concerning such titles; provided that a Jury shall always be impanelled for the finding of such facts as are not agreed by the parties, unless the parties or their attorneys shall waive their right of trial by Jury & refer the matter of fact to the decision of the Court. Provided also that the legislature may whenever they may judge it expedient pass an act or acts to regulate the mode of proceedings on such cases or to take away entirely the original Jurisdiction thereby given to the said Court in such cases.

In all other cases the Supreme Court shall have appellate jurisdiction only; with such exceptions and under such regulations as the legislature shall make.

And the legislature may from time to time vest in the supreme and inferior Courts or either of them such powers both in law and equity as they shall judge proper and necessary for the due administration of Justice.

A competent number of Justices of the peace shall be appointed in each County, they shall be commissioned during good behaviour, but may be removed on conviction of misbehaviour in office or of any infamous crime, or on the address of both houses of the legislature.

The Judges shall by virtue of their office be conservators of the peace throughout the State.

The style of all process shall be "The Commonwealth of "Kentucky" all prosecutions shall be carried on in the name & by the authority of the Commonwealth of Kentucky and conclude against the peace and dignity of the same.

Article 6th

Section 1. Sheriffs and Coroners shall at the times & places of elections of representatives be chosen by the citizens of each County, qualified to vote for representatives. They shall hold their offices for three years, if they shall so long behave themselves well and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years.

Vacancies in either of the said Offices shall be filled by a new appointment to be made by the Governor to continue until the next general election & until a successor shall be chosen and qualified as aforesaid. The freemen of this Commonwealth shall be armed & disciplined for its defence. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

The Field and Staff officers of the Militia shall be appointed by the Governor, except the battalion staff officers who shall be appointed by the field officers of each battalion respectively. The officers of companies shall be chosen by the persons enrolled in the list of each company and the whole shall be commissioned during good behaviour and while their residence in the bounds of the battalion or company to which they shall be appointed.

Each Court shall appoint its own clerk, who shall hold his office during good behaviour; but no person shall be appointed Clerk only pro tempore, who shall not produce to the Court appointing him, a Certificate from a majority of the Judges of the Court of Appeals, that he hath been examined by their Clerk in their presence, and under their direction & that they judge him to be well qualified to execute the office of Clerk to any Court of the same dignity with that for which he offers himself. They shall be removable for breach of good behaviour by the Court of Appeals only who shall be judges of the fact as well as of the law. Two thirds of the members present must concur in the sentence.

All commissions shall be in the name & by the authority of the state of Kentucky & be sealed with the state seal and signed by the Governor.

The State Treasurer shall be appointed annually by the Joint ballot of both houses.

Article 7th

Section 1. Members of the General Assembly and all officers executive and judicial, before they enter upon the execution of their respective offices, shall take the following Oath or Affirmation "I do solemnly swear (or affirm) that I will be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof and that I will faithfully execute to the best of my abilities the office of according to law."

Article 8th

Section 1. Treason against the Commonwealth shall consist only in levying war against it, or in 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 his own confession in open Court.

Laws shall be made to exclude from Office and from suffrage those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting under adequate penalties all undue influence thereon from power, bribery, tumult, or other improper practices.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law, nor shall any appropriations of money for the support of an army, be made for a longer term than one year, and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

There shall be directed by law in what manner and what Courts, suits may be brought against the Commonwealth. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteeled by the legislature the most solemn appeal to God.

2d. All laws now in force in the state of Virginia, not inconsistent with this Constitution, which are of a general nature and not local to the eastern
part of that state, shall be in force in this state until they shall be altered or repealed by the Legislature.

The compact with the state of Virginia, subject to such alterations as may be made therein, agreeable to the mode prescribed by the said compact, shall be considered as a part of this constitution.

Article 9th.

Section 1. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners; previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this state, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. That they shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors and preventing them from becoming a charge to the County in which they reside. They shall have full power to prevent any slaves being brought into this state as merchandise. They shall have full power to prevent any slaves being brought into this state from a foreign country, and to prevent those from being brought into this state, who have been since the first day of January One Thousand, seven hundred and eighty-nine, or may hereafter be imported into any of the United States from a foreign Country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for their necessary clothing and provision, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of their owner or owners.

Article 10th.

Section 1. The place for the seat of Government shall be fixed in the following manner. The house of representatives shall during their sessions which shall be held in the year one thousand seven hundred and ninety-two, choose by ballot twenty one persons, from whom the representation from Fayette and Mercer counties then present shall alternately strike out one until the number shall be reduced to five, who, or any three of them concurring in opinion, shall have power to fix on the place for the seat of government, to receive grants from individuals therefore, and to make such conditions with the proprietor or proprietors of the land so pitched on by them, as to them shall seem right, and shall be agreed to by the said proprietor or proprietors; and to lay off a town thereon, in such manner as they shall judge most proper.

The General Assembly and the supreme courts shall within five years hold their sessions at the place so pitched upon by the said Commissioners: and the seat of government so fixed, shall continue until it shall be changed by two-thirds of both branches of the legislature. The commissioners, before they proceed to act, shall take an oath or make an affirmation, that they will discharge the trust reposed in them in such manner, as in their judgment, will be most beneficial to the state at large.

Article 11th.

Section 1st. That the Citizens of this State may have an opportunity to amend or change this constitution in a peaceable manner if to them it shall seem expedient, the persons qualified to vote for representatives shall, at the general election to be held in the year One Thousand, seven hundred and ninety-seven, cast their votes for the candidate or candidates, who, by a majority of the votes, shall be elected to represent them in the legislature of this State.

We declare

Section 1st. That all men when they form a social compact are equal and that no man or set of men, are entitled to exclusive or separate public emoluments, or privileges from the community but in consideration of public services.

That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness: For the advancement of these ends, they have at all times an unalienable & indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences: that no man can of right be compelled to attend erect or support any place of worship, or to maintain any Ministry against his consent; that no human authority can in any case whatever control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious societies or modes of worship.

That the civil rights privileges or capacities of any Citizen shall in no wise be diminished or enlarged on account of his religion.

That all elections shall be free and equal.

That trial by Jury shall be as heretofore and the right thereof remain inviolate.

That printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of Government.

And no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man and every citizen may freely speak, write & print on any subject being responsible for the abuse of that liberty.

In prosecutions for the publication of papers, investigating the official conduct of officers or men in a public capacity or where the matter published is proper for public information the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the Court as in other cases.

That the people shall be secure in their persons, houses, papers & posses-
sions, from unreasonable searches and seizures. And that 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.

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; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; And in prosecutions by indictment or information, a speedy public trial by an impartial Jury of the vicinage; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life liberty or property unless by the judgment of his peers or by the law of the land.

That no person shall for any indictable offence be proceeded against criminally by information except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger, or by leave of the court, for oppression or misdemeanor in office.

No person shall for the same offence be twice put in jeopardy of his life or limb, nor shall any man’s property be taken or applied to public use, without the consent of his representatives and without just compensation being previously made to him.

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 sale, denial or delay.

That no power of suspending laws shall be exercised, unless by the Legislature or its authority.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

That all prisoners shall be bailable by sufficient sureties unless for capital offences, when the proof is evident or presumption great, and the privilege of the writ of Habeas Corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

That 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 creditors in such manner as shall be prescribed by law.

That no person shall be indicted for Treason or felony by the legislature.

That no attaint shall work corruption of blood nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

That the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death & if any person shall be killed by casualty, there shall be no forfeiture by Reason thereof.

That the Citizens have a right in a peaceable manner to assemble together 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.

That the right of the Citizens to bear arms in defence of themselves & the state shall not be questioned.

That no standing army shall in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

That 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.

That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer time than during good behaviour.

That emigration from the state shall not be prohibited. To guard against transgressions of the high powers which we have delegated, We declare That everything in this article is excepted out of the General powers of government, and shall forever remain inviolate; and that all laws contrary thereto or contrary to this Constitution shall be void.

Schedule.

That no inconvenience may arise from the establishing the Government of this state, and in order to carry the same into complete operation It is hereby declared and ordained.

Section 1st. That all rights, actions, prosecutions, claims and contracts as well of individuals as of bodies corporate, shall continue as if the said Government had not been established.

That all officers civil and military now in commission under the state of Virginia, shall continue to hold & exercise their Offices until the tenth day of August next, and no longer.

That until the first enumeration shall be made as directed by the sixth section of the first article of this constitution the County of Jefferson shall be entitled to elect three representatives, the County of Lincoln four representatives, the County of Fayette nine representatives, the County of Nelson six representatives, the County of Mercer four representatives, the County of Madison three representatives, the County of Bourbon five representatives, the County of Woodford four representatives, and the County of Mason two representatives.

The General Assembly shall meet at Lexington on the fourth day of June next.

All returns herein directed to be made to the Secretary shall previous to his appointment be made to the Clerk of the Supreme court for the District of Kentucky.

Until a Seal shall be provided for the state, the Governor shall be at liberty to use his private seal.

The oaths of office herein directed to be taken, may be administered by any Justice of the peace, until the Legislature shall otherwise direct.

All bonds given by any officer within the District of Kentucky payable to the Governor of Virginia may be prosecuted in the name of the Governor of Kentucky.

All offences against the laws of Virginia which have been committed within the present District of Kentucky or which may be committed within the same before the first day of June next, shall be cognizable in the Courts of this state in the same manner that they would be if they were committed within this state after the said first day of June. At the elections herein directed to be held in May next, the sheriff of each County or in case of his absence one of his deputies shall preside, and if they neglect or refuse to act the said election shall be held by any one of the Justices of the peace for the County where such refusal or neglect shall happen. Each officer holding such election having first taken an oath, before a Justice of the peace to conduct the said election with impartiality, shall have power to administer to any person offering to vote at such election, the following oath or affirmation “I do swear (or affirm) That I am qualified to vote for representatives in the county of

agreeably to the constitution formed for the state of Kentucky” and such officer shall have a right to refuse to receive the vote of any person who shall
refuse to take the said oath or make affirmation when tendered to him. And the said elections shall be held at the several places appointed for holding Courts in the different Counties.

The Government of the Commonwealth of Kentucky shall commence on the first day of June next.

Done in Convention at Danville the day of April One Thousand Seven hundred and Ninety two and of the Independence of the United States of America the Sixteenth.

By order of the Convention.

The Convention then adjourned until Tomorrow morning 10 O'Clock.

Thursday the 19th day of April 1792.

The Convention met according to adjournment.

The Constitution being read was then agreed to as the constitution for the Government of the State of Kentucky.

Resolv'd That the President be requested to transmit to the President of the United States a fair Copy of the constitution formed by this Convention.

Resolved That the President be requested to have the proceedings of this Convention preserved until the Legislature shall give orders respecting them.

In Testimony of the authenticity of the foregoing Journals of this Convention The Honble Samuel McDowell Esquire President thereof hath hereto set his hand & Seal the day & year last written.

Samuel McDowell (LS)

Attest

Thomas Todd C.C.

The Convention then adjourned without day.

Attest

Thomas Todd C.C.

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