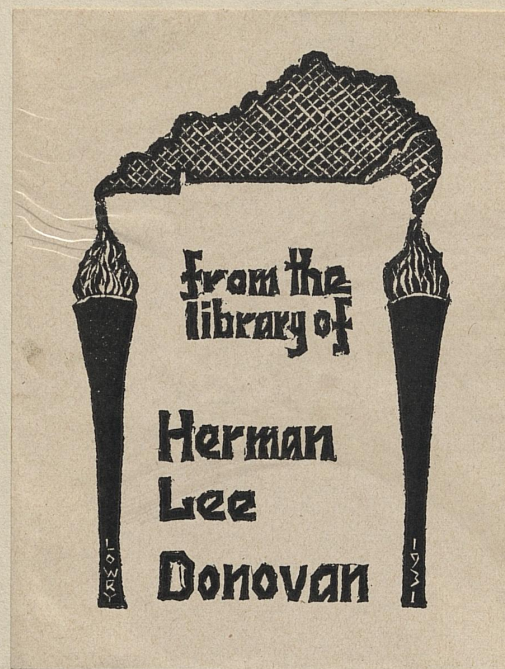
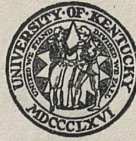




UNIVERSITY



OF KENTUCKY

LEXINGTON

PRESIDENT'S OFFICE

This book containing a photostatic copy of the Minutes of the separation and Constitutional Conventions of the District of Kentucky for July 1788, November 1788, July 1789, July 1790 and April 1792, was made from the original document now in Frankfort. Mrs. Cromwell, the State Librarian, brought the materials to the University of Kentucky so that copies might be made. The leaves of the book had come apart, and in some instances it was difficult to know the regular order, especially of the pages which are placed in the first part of this copy. Many of the numbered pages were blank, which may account for what appears to be missing pages.

On page one is a copy of a picture of the building which now stands on the site of the location of the building in which ten state conventions prior to 1800 were held, and where the first constitution of Kentucky was written in 1792. The picture appeared in THE LEXINGTON LEADER January 17, 1939.

The photostatic record of the conventions is presented with the compliments of the University of Kentucky.

Frank L. McVey
President of the University

March 14, 1939

MINUTES
OF THE
CONSTITUTIONAL CONVENTIONS
OF THE
STATE OF KENTUCKY

* spec. coll. Gift Donor's estate

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*Historic Site In Danville
Will Be Made State Shrine*



CONSTITUTIONAL SQUARE

Samuel M^d Dowell Esq. Dr.

Thomas Todd Secretary

AM

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Mr

CM

Passed

Passed

CM

Passed

[illegible]



A convention begun and held for the District
of Kentucky at the Courthouse in Danville in
County of Mercer on Monday the Twenty eighth day
of July in the Year of our Lord One Thousand Seven
hundred and eighty eight.

On which day being the day appointed by a Resolution
of the Convention held for the said District on the 17th
day of September One Thousand Seven hundred and
eighty seven.

Several Members appeared and took their seats, but
the number not being sufficient to proceed to business
The Convention Adjourned till Tomorrow Ten of
the Clock.

Tuesday the 29th day of July 1788

The Convention met according to Adjournment.

A Majority of the Members appeared and took their seats

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

The Honorable Samuel McDowell was unanimously
elected President.

Ordered That a Committee of Privileges and Elections
be appointed.

And a Committee was appointed of Mr Greenup, Mr Morrison,
Mr Edwards, Mr Hite, Mr Adams, Mr Shelby and Mr Wallace
who are to examine the certificates of Election from the different
Counties in this District and make report thereon.

Ordered That the Rules and Regulations of the last Convention be the Rules and Regulations for the Government of this Convention.

Sundry Papers and Resolutions of the Congress of the United States, addressed to Samuel McDowell Esquire late President of the Convention in Kentucky, was read and ordered to lie on the Clerk's Table.

The Convention then Adjourned till Tomorrow Nine of the Clock.

Wednesday the 30th day of July 1788

The Convention met according to Adjournment.

Several other Members attended and took their Seats.

A Resolution declaring that the powers of this Convention so far as depends on the Acts of the Legislature of Virginia were annulled by the Resolutions of Congress. And resolving that it was the duty of this Convention as the Representatives of the people to proceed to frame a Constitution of Government for this District and to submit the same to their consideration, with such advice relative thereto as emergency suggests, was read.

Ordered That the said Resolution be committed to the Committee of the whole Convention.

Resolved That this Convention do now resolve itself into a Committee of the whole upon the said Resolution. Mr President quitted the Chair and Mr Shelby took the Chair of the Committee. And after some time spent therein Mr President resumed the Chair and Mr Shelby reported that the Committee had made some progress on the matter to them referred and had come to a resolution thereon which he was ready to report.

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Ordered That the said Report be put off till Tomorrow.
Mr Shelly then moved for leave for the Committee to sit
in. They not having completed the business to them
referred.

Resolved That this Convention will Tomorrow again
resolve itself into a Committee of the whole on the ~~report~~
~~report~~ matters to them referred &c.

The Convention then adjourned untill Tomorrow nine
of the Clock.

Thursday the 31st day of July 1788

The Convention met according to Adjournment.
Several other Members attended and took their seats.
Mr Shelly from the Committee of the whole Convention of
Yesterday, reported that the Committee had taken into
their consideration the matters to them referred and had
come to a resolution thereon which he read in his place and
delivered in at the Clerks table where the same was twice
read and ordered to be recommitted to a Committee of
the whole Convention.

Resolved That this Convention do now resolve itself
into a Committee of the whole on the said report.
Mr Shelly in the Chair and after some time spent therein
Mr President resumed the Chair and Mr Shelly reported
that the Committee had taken into consideration the
matters to them referred and had come to a resolution
thereon, which he read in his place and delivered the
same in at the Clerks table where it was again twice read.

And unanimously agreed to as follows. viz

Resolved, Whereas it appears to the Members of this Convention, that the United States in Congress assembled, have for the present declined to ratify the Compact entered into between the Legislature of Virginia and the people of this District respecting the erection of the District into an Independent State, in consequence of which the powers vested in this Convention are dissolved and whatever order or resolution they pass cannot be considered as having any legal force or obligation. But being anxious for the safety and prosperity of ourselves and constituents do earnestly recommend to the good people inhabiting the several Counties within the District, each to elect five Representatives on the times of holding their Courts in the month of October next to meet at Danville on the first Monday in November following to continue in Office untill the first day of January 1790 And that they delegate to their said Representatives full powers to take such measures for obtaining admission of the District as a separate and independent member of the United States of America, and the Navigation of the River Mississippi as may appear most conducive to these important purposes; And also to form a Constitution of Government for the District and organize the same when they shall judge it necessary, or to do and accomplish whatever on a consideration of the state of the District may in their Opinion promote its interests.

Resolved that the Elections directed by the preceding resolution be held at the Courthouse of each County and continued from day to day for five days including the first day.

Resolved that the Sheriffs within the respective Counties of this District be requested to hold the said Elections and make return thereof to the Clerk of the Supreme Court immediately after the same are finished, and also to deliver to each Representative so elected a Certificate of his Election and in case there should be no Sheriff in

Either of the said Counties or he should refuse to act, that any two acting Magistrates then present may superintend and conduct the said Elections and make returns and grant certificates in the same manner. the Sheriffs are requested
to do

Resolved that every free Male Inhabitant of each County within the said District has a right to vote at the said Elections within their respective Counties

Resolved that a majority of the members so elected be a Quorum to proceed to business

Resolved that if the said Convention should not make a house on the said first Monday in November, any three or more members then assembled may adjourn from day to day for five days next ensuing and if a Convention should not be formed at the end of the fifth day, that they may then adjourn to any day they may think proper not exceeding one month

Resolved that the Sheriffs of each County, or the said Magistrates as the case may be, read or cause to be read the aforesaid Resolutions on each day of the Elections immediately preceding the opening the said Elections.

Ordered that the President do request the printer of the Kentucky Gazette to publish the proceedings and resolves of Congress by him laid before this Convention; also such of the proceedings of this Convention as the President shall think proper, and in particular that the printer continue to publish weekly untill the first of October next the recommendation for electing another Convention and the several resolutions relative thereto

Ordered that the President do wait on John Brown Esq. when he returns to this District and in the most respectful manner express to him the obligations which this Convention and their Constituents are under to him for his faithful attention to their Interests in Congress

Ordered thanks of this Convention be given to Mr.
Thomas Sada for his services as Clerk this Session.
The Convention then Adjourned.

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A convention began and held for the District of
Kentucky at the Courthouse in Danville
in the County of Mercer on Monday the third day
of November in the year of Our Lord One thousand
seven hundred and eighty eight

On which day being the day appointed by a
resolution of a convention held for the said District
on the 21st day of July last past.

Several members appeared and took their seats
But the number not being sufficient to proceed business
The Convention Adjourned till Tomorrow
Twelve of the Clock.

Tuesday the 11th day of November 1788

The convention met according to Adjournment
A majority of the members appeared and took their
seats

The Honble Samuel McDowell was unanimously
elected President

Ordered, That Mr Thomas Todd be appointed clerk
to this Convention

Ordered, That a Committee of Privileges and
Elections be appointed

And a Committee was appointed of Mr. Greenup, Mr.
Morrison, Mr. Muter, Mr. Logan, Mr. Taylor, Mr. Smith
and Mr. Swine who are to examine the certificates of
Election from the different Counties in this District
and make return thereon

Ordered, That the rules and regulations of the last
Convention be the rules and regulations for the Government
of this Convention ~

Resolved, That this Convention will Tomorrow resolve
itself into a Committee of the whole Convention to take into
consideration the present state of the District ~

Sundry papers and resolutions of the Congress of the
United States, addressed to Samuel McDowell Esquire
late President of the Convention in Kentucky, was
ordered to lie on the Clerks Table ~

The Convention then Adjourned untill Tomorrow
Twelve of the clock. ~

Wednesday the 5th day of November 1788

The Convention met according to Adjournment
Several other Members appeared and took their seats

Ordered That the papers and Resolutions of Congress, the
Resolves of the Convention passed on the 22^d day of September
1787 relative to a Separation of this District from the State
of Virginia together with the Address from the Convention
to Congress be referred to a Committee of the whole Con-
-vention. ~

Resolved That this Convention do now resolve itself into
a Committee of the whole Convention on the State of the District
Mr Wilkinson was elected to the Chair ~

After sometime spent therein Mr President resumed the
Chair and the Chairman reported, that the Committee
had taken into consideration the matters to them referred
but not having time to go thro the same desire leave to
sit again today, which was granted.

Ordered, That the resolution of the Convention of the 31st day of July 1788 recommending the Election of & giving powers to this Convention be referred to a Committee of the whole which is to sit today.

Resolved That this Convention do now again resolve into a Committee of the Whole on the matters to them referred

Mr Wilkinson again Elected to the Chair;

After sometime spent therein Mr President resumed the Chair and the Chairman reported that the Committee had taken into consideration the matters to them referred and had come to a resolution thereon which he was ready to report.

Ordered, That the said resolution do lie on the Clerks table.

Ordered, That it be a standing rule of this Convention that the Convention do resolve itself into a Committee of the whole Convention from day to day to take into consideration the present state of the District.

Two petitions one from the County of Mercer, and the other from the County of Madison ^{praying} ~~requesting~~ that a manly and spirited address be sent to Congress to obtain the Navigation of the River Mississippi, was read and ordered to be referred to a Committee of the whole Convention.

Resolved, That the Convention do now again resolve itself into a Committee of the whole to take into consideration the matters to them referred,

Mr Wilkinson was again elected to the Chair

After sometime spent therein, Mr President resumed the Chair, and the Chairman reported that the Committee of the whole Convention had taken into consideration the matters to them referred and had come to a resolution thereon which he was ready to report.

Ordered, That the said resolution do lie on the Table.

Ordered, That the resolution for preparing an Address to
the Assembly of Virginia, be now read. ^{the} same was read,
recommended, and agreed to as follows, viz:

Resolved, That a committee be appointed to draw up
a decent and respectfull Address to the Assembly of Virginia
on obtaining an Independence of the District of Kentucky,
agreeable to the late resolution, and recommendation of
Congress and that they prepare and report the same to the
Convention Tomorrow.

And a Committee was appointed of Mr Edwards, Mr Marshall,
Mr Muter, Mr Jouett, Mr Allen, and Mr Wilkinson.

The Convention then adjourned till Tomorrow
Twelve of the clock.

Thursday the 6th day of November 1788

The Convention met according to adjournment.

Ordered, That the resolution reported yesterday from
the Committee of the whole, upon the petitions from the
Counties of Madison and Mercer, be now read, and
the same being read was ordered to be recommitted
to a Committee of the whole Convention.

Resolved, That this Convention do now resolve itself
into a Committee of the whole on the said resolution.
Mr Innis was elected to the Chair.

And after sometime spent therein, Mr President resumed
the Chair, and the Chairman reported that the Com-
mittee of the whole, had taken into consideration the
matters referred to them, and had come to a resolution
thereon, which he read in his place and delivered the same
in at the Table where it was again twice read and
agreed to as follows viz.

Resolved as the Opinion of this Committee that the Petitions from the Counties of Madison and Mercer - praying this Convention to prefer an Address to Congress for procuring the navigation of the river Mississippi are reasonable and that a decent and respectful Address be prepared requesting Congress to take immediate and effective measures for procuring the navigation of the said river, agreeable to the prayer of the said Petitions -

Ordered That a Committee be appointed to prepare the said Address -

And a Committee was appointed of Mr Innes, Mr Wilkinson, Mr Marshall, Mr Miller, Mr Brown, Mr Sebastian and Mr Morrison -

Mr Edwards from the Committee appointed to draw up an Address to the Assembly of Virginia for obtaining the independance of the District of Kentucky reported that the Committee had taken the matter into consideration and prepared an Address which he read in his place and then delivered the same in at the table where it was again read, and an amendment thereto proposed.

Ordered, That the said address, together with the amendment do lie on the Table.

~~A~~ ^{was} motion, made by Mr Brown for the Convention to come to the following resolution viz:

Resolved, That it is the wish, and interest of the good people of this District to separate from the state of Virginia and that the same be erected into an Independent member of the Federal Union -

Ordered, That the said resolution do lie on the Table

The Convention then adjourned till Tomorrow Twelve of the Clock.

Friday the 7th day of November 1788.

The convention met according to Adjournment.

A Letter from James Speed addressed to the President ~~was read~~ Convention was read.

Ordered that the same do lie on the Table.

The Convention adjourned till Tomorrow morning.

Twelve of the Clock.

Saturday the 8th day of November 1788

The convention met according to Adjournment.

A motion was made by Mr Wilkinson for the Convention to come to the following resolution, which was read and agreed to as following.

Whereas, it is the solemn duty, so it is the ardent desire of this Convention, to pursue such measures as may promote the Interests, and meet the approbation of the Constituents; but the discordant opinions which at present divide the good people they represent, render it doubtful whether they can adopt any plan, which will embrace the Opinions of all, or even secure the support of a majority; In this state of embarrassment—perplexed with doubts and surrounded by difficulties,—in order to avoid error, and to obtain truth—to remove the jealousies which have infected society, and to restore that spirit of harmony and concord, on which the prosperity of all depends, They deem it most eligible to address their Constituents on the momentous occasion. Therefore

Resolved, That a Committee be appointed to draft an Address, to the good people of the district, setting

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state their rights and call for protection in the enjoyment of them.

Fathers, Fellow Citizens and Guardians of our rights, as we address you by the endearing appellation of Fathers, we rely on your paternal affection to hear us. we rely on your Justice as men and citizens to attend to the wrongs done to men and citizens, and as a People recognized by the solemn Acts of the Union, we look up for protection to the Federal Head.

When the peace had covered in America that daughter of Liberty and Independence, for which she had so nobly contended we could not retire with our attention fixed to enjoy in ease the blessings of Liberty and freedom. Many of us had aspired in the struggle for our country's Rights that posterity which would have enabled us to pass our responsibilities with our Liberty on the Western Shores the Commonwealth of Virginia possessed a fertile but uninhabited land. In this Wilderness we sought, after having procured Liberty for our posterity, to provide for their support. Intured to hardships by a long warfare we wandered into almost impenetrable forests without trace of domestic Cattle we depended on the Casualty of fells afforded by the chase. Hunger was our familiar attendant and even our necessary meals were made upon the wet surface of the earth with the cloud deformed canopy for our covering. Tho' forced to pierce the thicket it was not in safety we trod. The wily Savage thirsted for blood, lurked in our paths and seized the unsuspecting Hunter. Whilst we lamented the loss of a friend, a Brother, a Father, a Wife a Child, became a victim to the Barbarian Tomhawk: instead of consolation a new and greater misfortune descended and the sense of former afflictions. From the Union we receive no support, but we impudently put their Justice.

Ineffectual treaties, often renewed, and as often broken
by the Savage Nations, served only to furnish them with
the means of our destruction. But no Human cause
could controul that providence which had destined
this Western Country to the seat of a civilized and
happy people. The period of its accomplishment was
distant but it advanced with rapid and incredible
strides. We derived strength from our falls and num-
bers from our slopes. The unparalleled fertility of our
soil made grateful returns, far disproportioned to
the slight labour which our safety would permit
us to bestow. Our fields and herds afford us not only
sufficient support for ourselves, but also for the Em-
igrants who annually double our numbers and
even a surplus still remains for exportation. This
surplus would be far greater, did not a narrow
policy shut up our navigation and discourage our industry.
In this situation we call for your attention, we beg you to
trace the Mississippi from the Ocean, survey the innumerable
Rivers which water your Western Territory, and pay their
tributes to its Greatness, examine the luxuriant soil
which these Rivers traverse. Then ask can the God of Wis-
dom and Nature have created that vast Country in
vain? Was it for nothing that he clothed it with a fertility
almost incredible? Did he not provide those great streams
which empty into the Mississippi and by it communicate
with the Atlantic, that other nations and climes
might enjoy with us the blessings of our fruitful soil?
View the Country and you will answer for yourselves.
But can the presumptuous madings of man imagine
a policy inconsistent with the immense designs of the
Deity.

Americans carried. ¹⁰ Is it the natural right of the
Inhabitants of this Country to navigate the Mississippi, so
they have also the right derived from treaties and national
compact. By the Treaty of Peace concluded in the year 1763
between the Kingdoms of Great Britain, France and Spain the
free navigation of the River Mississippi

We are a Member, that would exert every muscle to your
service. Do not cut us off from your Body: By every tie of
consanguinity and affection, by the remembrance of the
blood which we have mingled in the common cause, by
a regard to Justice and to policy we conjure you to
procure our right. May your Councils be guided by wisdom
and Justice, and may your determinations be marked
by decision and effect. Let not your beneficence be cir-
cumscribed by the Mountains which divide us. But let
us feel that you are really our ^{best} ~~best~~ & protectors of

Our Rights. Then you would secure the prayers of a people
whose gratitude would be as warm as their indications of
their Rights will be eternal. Then our connections shall
be perpetuated to the latest times a Monument of your
Justice and a Terror to your Enemies.

Resolved. That the President of this Convention introduce
the said Address to the President of Congress requesting
him to lay the same before that August Body.

Mr. Wilkinson from the Committee appointed to draught
an Address to the people of this District: reported that
the Committee had taken the matter into consideration
and prepared an Address, which he read in his place &
then delivered in the same at the Clerks Table where it
was again read and ordered to be recommitted to a Com-
mittee of the whole Convention.

The Convention according to the order of the day resolved
itself into a Committee of the whole to take into consid-
eration the state of the District.

Mr. James was Elected to the Chair.

after sometime spent therein the President resumed the
Chair and the Chairman reported; that the Committee
had taken into consideration the Address to the Assembly of
Virginia and made an Amendment thereto, which he
read in his place and then delivered in the same at the
Clerks Table where it was again twice read and again ac-
crued and agreed to *Nemini Contradictente* as

follows to wit
To the Honble The General Assembly for
the Commonwealth of Virginia

Gentlemen,

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The Representatives of the good people inhabiting the several Counties composing the District of Kentucky in Convention met big leave again to address you on the great and important subject of their separation from the Parent State and being made a member of the Federal Union.

To repeat the causes which impel the inhabitants of this District to continue their Application for a Separation will in our Opinion be unnecessary. They have been generously acknowledged and patronized in former Assemblies and met the Approbation of that August Body whose consent was necessary towards the final accomplishment of this desirable object and who resolved, that the measure was expedient and necessary, but which from their peculiar situation they were inadequate to decide on.

As happiness was the object which first dictated the Application for a Separation, so it has continued to be the ruling principle in directing the good people of Kentucky to that great end, upon Constitutional terms, and they conceive the longer that measure is delayed the more they will be exposed to the merciless Savage or (which is greatly to be feared) Anarchy with all the concomitant evils attending thereon.

Being fully impressed with these ideas & justified by frequent examples, we conceive it our duty as free men from the regard we owe to our Constituents, & being encouraged by the Resolutions of Congress again to apply to your Honourable Body praying that an act may

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may pass at the present Session for enabling the good
People of the Kentucky District to obtain an independent
Government and be admitted into the confederation as a
member of the Federal Union upon such terms and
Conditions as to you may appear just and equitable;
and that you transmit such Act to the President of
this Convention with all convenient despatch in order for
our consideration and the final completion of this business.
This we are implored to ask as many of the Causes which
produced former restrictions do not now exist.

Firmly relying on the justice and liberality of your
Honorable House for often experienced and which we are
ever bound to acknowledge;

We again solicit the friendly interposition of the parent
State with the Congress of the United States for a speedy ad-
mission of the District into the Federal Union and also
to urge that honorable body in the most express terms
to take effectual measures for procuring to the Inha-
bitants of this District the free navigation of the River
Mississippi, without which the situation of a large
part of the community will be wretched and miserable
and may be the source of future evils.

Ordered, That the President sign; and the Clerk
attest the said Address; and that the same be enclosed by the
President to the Speaker of the House of Delegates.

Resolved, That this Convention highly approve the
Address presented by Gen. James Wilkinson to the Governor
and Intendant of Louisiana, and that the President be re-
quested to present him the thanks of the Convention for the
regard which he therein manifested for the Interest of the
Western States Country.

Resolved, That when this Convention doth adjourn, it¹⁴
will adjourn to the first Monday in August next.

Resolved, That the President of this Convention
shall during the recess thereof with the advice of three
or at the request of five Members, call a Convention, and
in case of death, removal, or other disability of the
President, any six Members shall have power to call
a meeting of the said Convention.

Ordered, That the Printer of the Kentucky Ga-
zette be requested to publish the proceedings of this con-
vention.

The Convention then adjourned till the first
Monday in August next.

A List of the Members Nov. 1788

Jefferson { Richard Taylor p p p
Abner Stiles
Richard L. Anderson
Benjamin Sebastian p p p
Abner St. Dunn p p p p

Nelson { Isaac Morrison p
John Grundy p p p
John Caldwell p p
Andrew Bynes p p
William Rowan

Fayette { James Wilkinson p p p
Thomas Marshall p
George Stuter
Joseph Crockett p p p p
John Allen p p p p

Lincoln { John Logan p p p
William Montgomery p p
Baker Ewing p p p
Nathan Hurston p p p p
Willis Green p p

Madison { William Irvine p p p p
John Miller
John Holly p p . . .
Peter Evans p p p p
Higgaron Grubbs

Mercer { Samuel McDowell
Christopher Greenup p p p
John Bigan p p
Harry Innes p p p
John Jovitt p p p p

Bourbon { John Edwards p p p
John Grant p
James Smith p p p
Eam. Lynne
James Garrard

At a Convention begun and held
for the District of Kentucky at the Courthouse
in Danville in the County of Mercer on Monday
the Twentieth day of July in the Year of our
Lord One Thousand seven Hundred and eighty nine
Which day was appointed by Law for the meeting
of the Convention

A Majority of the Members having appeared
and taken their seats

The Honorable Samuel McDowell Esq.
was unanimously elected President to the Convention
Ordered that Mr. Thomas Todd be appointed
Clerk to this Convention

Ordered that a Committee of Privileges and
Election be appointed.

And a Committee was appointed of Mr. William
Kennedy, Mr. Garrard, Mr. Logan, Mr. Lee, Mr. Muter,
Mr. Caldwell, Mr. Todd, Mr. Campbell, Mr. Marshall
and Mr. Thomas Kennedy who are to examine the
Certificates of Elections from the several Counties in
this District and make report thereof to the Convention

On a Motion that the Rules of the last Convention
be received, and adopted for the Government of this Conven-
tion

Ordered that the said Rules be referred to a Com-
mittee of Mr. Campbell, Mr. Taylor, Mr. M. Kennedy, Mr.
Rufelt, Mr. Tho. Kennedy, and Mr. Machin who are to take
the same into consideration and make report of their
proceedings

proceedings to this Convention²

Ordered That Mr. Joshua Barbee be appointed Sargeant at Arms to this Convention and that he be requested to give his attendance accordingly.

The Convention then adjourned till Tomorrow Morning Ten of the Clock.

Tuesday the 21st day of July 1789
The Convention met according to Adjournment

Mr Campbell from the Committee appointed to draw up a set of Rules and Regulations for the Government of the Convention; reported that the Committee had taken the matter into consideration and drawn up a set of Rules which he read in his place & then delivered the same in at the Clerks Table where the same were again twice read and Agreed to as follows Viz

1st That any Member conducting himself indecently towards the President, or any of the Members in the Convention, or who shall transgress any of the following Rules, shall be subject to such reproof from the Chair, as the Convention may think proper to direct.

2^d That the Clerk shall make out a List or Roll of the Members which he shall call over at every meeting of the Convention Noting down the Absentees and he shall Announce to the President when ever a Quorum have met After which he shall proceed to read with an Audible Voice the Minutes of the preceding day

3rd That every Member when speaking shall stand up and address himself to the President, and when he has closed his Motion, Observation, or Argument shall again take his seat, nor shall any Member speak more than twice on the same Subject unless by permission of the Convention.

4th That the President shall have power to call to order when he shall conceive it necessary or shall be requested so to do by any Member.

5th That when any Member shall be speaking in address to the President, no Member shall pass between that person speaking and the Chair, nor otherwise interrupt him unless by requesting the President to call to Order which any Member may do when he shall think necessary. nor shall any Member name another in debate.

6th That all motions, except such as are of a General nature shall be reduced to writing, before any Question be put thereon and the Member who makes a motion, may withdraw it before decision is given by the Convention.

7th That no motion shall be received which is not seconded but when a motion is thus brought regularly before the Convention, the debate and decision thereon shall not be interrupted by the admission of any other motion except it be for the previous Question, or for amending or committing the original motion or subject in debate nor shall any new proposition or motion be admitted by way of Amendment or substitute for such Original Motion while the same is depending.

8th That the previous Question (which shall always be understood to be "Shall the main Question now be put")

*
X Or a motion for the postponement or commitment of the Subject, shall preclude all amendments or further debate on the main Question or Original Subject, until such motion be decided.

5th. That the President shall appoint Committees liable to addition or amendment at the Option of the Convention on the Motion of any Member.

9th. That at the first reading of any Address, Report, or Resolution offered the Convention, the members avoid all close debates and seriously deliberate on the contents in order to their better information before the second reading, at which time the subject presented shall be debated by Paragraphs & order taken thereon.

11th. That in taking the sense of this Convention a Majority of the Votes of the Members present (Exclusive of the President) shall govern except the House be divided in which case the President shall give the casting vote.

12th. The Members shall avoid all unnecessary private conversation in the Convention and shall particularly forbear personal reflections in the course of Argument.

13th. or debate.
X The sense of the Convention shall be taken by the Members saying "Aye" or "Nay" and by standing up or going forth if occasion requires and the "Ayes" and "Noes" shall be taken when required by any two Members, (and the members shall possess a right to enter protest.)

14th. X That all Questions of Order be submitted to the President for decision who may take the sense of the Convention thereon if he thinks proper.

15th That on motion made there shall be a Call of the
ventions and the absent Members shall be fined
shillings unless sufficient cause of absence appear, to
be collected by the clerk and appropriated under the
direction of the Convention

16th That no Member stand up in the House except when
speaking

17th That if any member fails to attend his duty the Sergeant
at Arms by Order of the House shall take firmments Court
-day for which he is to receive Six shillings per day for
the time he is travelling to and from the place of resi-
-dence of the Member and untill he is admitted to
his Seat to be paid by the Delinquent

On motion

The Act of Assembly entitled "An Act
concerning the Erection of the District of Kentucky
into an Independent State passed the 25th day of
December 1788; sundry Resolutions of Congress
and the Federal Constitution were read and ordered
to be referred to a Committee of the whole Con-
-vention which is to sit on the State of the District

Resolved,

That this Convention do now resolve
itself into a Committee of the whole on the state
of the District

Mr Shelby 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 state of the District and the other 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.

Ordered That it be a standing rule of this Convention that the Hour of Adjournment shall be at Ten O'clock

The Convention then adjourned

Wednesday the 22nd day of July 1789

The Convention met according to Adjournment

Mr. W. H. H. from the Committee of Privileges & Elections reported that the Committee had taken into consideration the several Certificates of Elections from the different Counties in this District and had come to a resolution thereon which he read in his place and then delivered in the same at the Clerks Table where it was again twice read and agreed to as follows viz.

Resolved, That it is the Opinion of this Committee that the return of Elections for the several Counties within this District are made agreeable to Law.

Mr. Marshall made a motion for the Convention to come to the following resolution viz

Resolved, That it is the Opinion of this Convention that a separation of the District of Kentucky from the State of Virginia and an erection of the said District into a separate and independent Member of the Union, is necessary and expedient; Which being read was ordered to be committed to a Committee of the whole Convention

Resolved, That this Convention do now resolve itself into a Committee of the whole on the said Resolution

Mr. Shelby was Elected to the Chair

After some time spent Mr. President resumed the Chair and the Chairman reported that the Committee had taken the said Resolution into consideration and had ^{made} some progress thereon but not having time to go thro' the same desire

leave to sit again Tomorrow which was granted.

The Convention then Adjourned.

Thursday the 23^d day of July 1789

The Convention met according to Adjournment
Sundry Letters, one from the President of Congress to
the Governor of Virginia; another from the Governor of
Virginia to the County Lieutenant of Mercer;
together with one from the County Lieutenant
addressed to the President of this Convention were
read. And on Motion were ordered to lie on the
Table &

On Motion, Ordered that the Committee which was
to sit today, be discharged from farther proceedings
on the Resolution committed to a Committee of
of the whole yesterday &

Ordered, That the said Resolution be committed
to a Committee of the whole Convention that is to sit
to day on the State of the District &

Resolved, That this Convention do now resolve itself
into a Committee of the whole on the State of the Dis-
trict. Mr. Shelby was elected to the Chair &

After some time spent therein The President resumed
the Chair and the Chairman reported that the Com-
mittee had taken the matters into consideration to
them referred and had come to a resolution which
he read in his place and then delivered in at the Clerk's
table, where it was again read, amended and
Agreed to as follows Viz. &

Whereas it is the Opinion of this Convention that the terms now offered by Virginia for a Separation of the District of Kentucky from the said State, are materially altered, from those formerly offered and agreed to on both sides; and that the said alteration of the terms is injurious to and inadmissible by the people of this District.

Resolved, therefore that a memorial be presented to the ensuing General Assembly of the State of Virginia requiring such alterations in the terms at present proposed to this District, for a Separation as will make them equal to those formerly offered by Virginia and agreed to on the part of the said District of Kentucky.

It being resolved in the Affirmative 'Ayes' 25. 'Noes' 13

On the Motion of Mr Taylor and seconded by Mr Miller Ordered, That the names of the Ayes and Noes on the foregoing Resolution be inserted in the Journal.

The names of those who voted in the Affirmative are,

Mr Grundy, Mr Caldwell, Mr Rowan, Mr Todd, Mr Crockett
Mr Leitch, Mr Foster, Mr Garrard, Mr Edwards, Mr Grant,
Mr Smith, Mr Shipp, Mr W. Kennedy, Mr Richardson
Mr Muter, Mr Marshall, Mr Cullender, Mr Brooks, Mr
Machir, Mr Lee, Mr Sloe, Mr Thos. Kennedy, Mr Shelby,
Mr Wm. Montgomery & Mr Davis

The names of those who voted in the negative are, Mr.

Stoughton, Mr Campbell, Mr Lewis, Mr Russell, Mr
Taylor, Mr Lillard, Mr Jehu Talbot, Mr Irvine
Mr Haile Talbot, Mr Grubb, Mr Reynolds, Mr Logan
and Mr Huston.

Ordered, That a Committee be appointed to draft an Address to the Assembly of Virginia agreeable to the foregoing Resolutions.

And a Committee was appointed of Mr. Muter, Mr. Marshall, Mr. Garrard, Mr. Tadd, Mr. Davis, Mr. Leitch, Mr. Taylor, Mr. Logan, Mr. Edwards, Mr. Steu, Mr. T. Kennedy and Mr. Campbell, who are to prepare the said Address and make report thereon tomorrow.

The Convention then Adjourned.

Friday the 21st day of July 1789

The Convention met according to Adjournment.

Mr. Muter from the Committee appointed to draft a Memorial to the Assembly of Virginia for obtaining an Act relating to the terms last proposed by the State of Virginia, reported that the Committee had taken the matter into consideration and prepared a Memorial which he read in his place and then delivered in the same at the Clerk's Table where it was again twice read and was ordered to be committed to a Committee of the whole Convention.

Resolved, That this Convention do now resolve itself into a Committee of the whole on the said Memorial.

Mr. Crockett was Elected to the Chair.

After some time spent the President resumed the Chair and the Chairman reported that the Committee of the whole had taken the ^{said} Memorial into consideration and made several amendments thereto, which he read in his place and then delivered in the same at the Clerk's Table where it was again twice read and agreed to as follows.

Viz.

To the Honorable the Speaker and Members of the House of
Delegates. The Memorial of the Convention for the District
of Kentucky Sheweth, That by an Act of the last Session
of Assembly, the terms on which the said District of Kentucky
may be erected into a separate and independent State, are materi-
ally altered different from those heretofore offered by Virginia
and agreed to by a former Convention on the part of the said
District, and that the alteration in one of the terms is more
particularly injurious to your Memorialists as it forever pre-
cludes them the declared an Independent and Sovereign State
from exercising their right of Sovereignty, over parts of the lands
contained within their own boundaries, without the consent
of the Legislature of Virginia, a situation degrading to your
Memorialists as they would thereby, not be on an equal footing
with the other states in the Union & injurious, as it would prevent
them from making the advantages of the Surplus lands within
their boundary, which in Equity they are entitled to.

From which circumstances, your Memorialists find that they can-
not, at present determine, whether it is expedient for, & the will
of the people, that, the District shall be erected into a separate
and independent State.

Your Memorialists reflect with
Gratitude on the generous & disinterested conduct pursued
by the Legislature with respect to the wishes of the people of
this District for a separation; and relying with the fullest
confidence on the Justice and generosity of the present Assembly
they now request that, the Act concerning the erection of this
District into a separate & independent State may be so amended
that the terms offered by the Legislature of Virginia to the people
of this District, respecting the separation of the District from Virge-
inia & its being erected into a separate State, may be made
equal to those offered by former Acts of Assembly (except
such part of the Seventh Article of the Act of 1785 as
relates to the concurrent Jurisdiction of the Ohio with the

States that may possess the opposite shores of the said
River) And agreed to by on the part of the District by
former Convention And your memorialists as in duty
bound, shall ever pray &c.

Ordered, That the President sign, and the clerk attest the
said memorial; and that the same be enclosed by the
President to the Speaker of the House of Delegates

Whereas it may be expedient & necessary for the Convention
to meet before the time it may be adjourned to at the end
of the present Session Resolved Therefore that
as soon as an Act of Assembly passed in consequence of
the memorial now directed to be forwarded to the Legisla-
-ture, shall come to the President's hands he shall be com-
-mended & directed immediately to call the Convention
And that at any time during the recess of the Convention
other than the Act aforesaid getting to hand, if a meeting of
the same may become necessary, the President with the
Advice of three or at the request of five members shall call
the Convention. Or said members may call a Convention
in case of the death or removal of the President

Resolved, That the delegates to this Convention be directed
to meet at the Courthouses of their respective Counties
at their Court days in October next & then lay off their
said Counties into Districts And that each delegate take an
exact list of the Souls, residing within his said District
specifying in different columns the number of free males
over 25 years of age & the number of free males under 25
years of age the number of free females the number
of titheable Slaves & the number of Slaves not titheable
and make return thereof the next Session of the
Convention

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List of the Members for July 1869

Jefferson {
 Goodwin Clougher p. p. p. p.
 Wm. Coughran . . . a a a
 Robert Brichnridge . . . a a a
 John Campbell p. p. p. a
 Richard Taylor . . . a a a

Nelson {
 John Grant p. p. p. p.
 David Ballou p. p. p. p.
 Andrew Byrnes . . . a a a
 Wm. Rowan . p. p. p. p.
 Joseph Lewis p. p. p. p.

Payette {
 Robert Todd . p. p. p. p.
 Wm. Russell . p. p. p. p.
 Joseph Crockett . p. p. p. p.
 David Leitch p. p. p. p.
 James Trotter p. p. p. p.

Nelson {
 James Garrard . p. p. p.
 J. Edwards . . p. p. p.
 J. Grant . . . p. p. p.
 James Smith p. p. p. p.
 Selam Shipp p. p. p. p.

Morcor {
 Saml McDowell
 Saml Taylor p. p. p. a
 J. Lillard . p. p. p. a
 John Talbot . . a p a
 Wm. Kennedy . p. p. p. p.

Woodford {
 Jno. Waltham p. p. p. p.
 Turner Richardson p. p. p. p.
 George Muter p. p. p. p.
 James Marshall p. p. p. p.
 J. Crutten p. p. p. p.

Miles Weather's Conway . . . a a a
 Thomas Brooks . . . p p p p p
 Jno. Machin . . . p p p p p
 Henry Lee . . . p p p p p
 Thomas Sloe . . . p p p p p

Madison { Wm. Shinn . . . p p p p p
 Tho. Kennedy . . . p p p p p
 Haile Talbot . . . p p p p p
 Higason Grubbs . . . p p a p p
 Tho. Reynolds . . . p p p p p

Lincoln { Benj. Logan . . . p p p p p
 Isaac Gilly . . . p p p p p
 Wm. Montgomery . . . p p p p p
 James Davis . . . p p p p p
 Nathan Huston . . . p p p p p

At a convention began and held
for the District of Kentucky at the Court-
house in Danville in the County of Man-
rover on Monday the Twentieth day of
July in the Year of Our Lord One Thousand
Seven hundred and Ninety ~~Three~~

Which day was appointed by Law for the
meeting of the said convention

A Majority of the Members appeared
and took their Seats

Ordered, That Mr Thomas Todd be ap-
pointed Clerk to this Convention

The Honble George Muter was
unanimously elected President

On a motion, the Rules regulating the proceed-
ings and for the Government of the last
Convention were read

Ordered That the said Rules be establish-
ed for ~~the~~ regulating the proceedings & for the
Government of this Convention

Ordered, That a committee of privileges and
Elections be appointed of Mr. Allen, Mr. Thurston
Mr. Joseph Lewis, Mr. George Lewis, Mr. Humphrey
Marshall, Mr. Irvine, Mr. Logan, Mr. Taylor
and Mr. Garrard who are to examine the different
Certificates of Elections from the several

Counties within this District and make
Report thereof to the Convention

Ordered That the Constitution of the
United States be procured and lie on the
Clarks Table

Resolved That this Convention will
now resolve itself into a Committee of the
whole to take into consideration the Act
intituled "An Act concerning the Erection
of the District of Kentucky into an independent
State. Mr Gairard was Elected to the Chair

And after sometime spent therein Mr
President resumed the Chair and the Chair-
-man reported, that the Committee of
the whole had taken the said Act into con-
-sideration, but not having time to go thro'
the same had directed him to move for leave
to sit again Tomorrow, which was granted

The Convention then adjourned till
Tomorrow morning Ten of the Clock

Tuesday the 27th day of July 1790

The Convention met according to Adjournment
Several other members appeared & took their seats

Mr. Allen from the Committee of privileges
and Elections reported that the Committee
had taken the several Certificates of Elections
and have agreed to a resolution thereon which
he read in his place & then delivered in the
same in at the Clerks Table where it was
again three read was again twice and
agreed to as follows viz.

Resolved That it is the Opinion of this
Committee that the returns for electing Re-
presentatives to serve in this Convention are from
the Counties of Jefferson, Nelson, Fayette, Ma-
dison, Mercer, Woodford and Mason are
satisfactory. It does not appear to your Commit-
tee that any general return of the Election of
Representatives to serve in this Convention from
the Counties of Lincoln & Bourbon hath been
made. It appears further to your Committee
by special return that Benjamin Logan,
William Montgomery, John Bryan and
James Davis Gentlemen are duly elected as
Representatives to serve in this Convention from
the said County of Lincoln And that

057 James Garrison & a John Shipp
are also duly elected to serve as Representatives
in this Convention from the County
of Bourbon.

Resolved, That this Convention do now
resolve itself into a Committee of the whole
to take into consideration the Act entitled an
Act concerning the erection of the District of
Kentucky into an independent State

Mr Garrison was elected to the Chair

and after sometime spent therein Mr

President resumed the Chair and the Chair-

man reported that the Committee of the
whole had taken the said Act into consideration

& made some progress thereon but not having
time to go thro the same had directed him
to move for leave to sit again ^{tomorrow} which was granted

The Convention then Adjourned till
Tomorrow morning Nine of the Clock

Wednesday the 28th day of July 1790.

The Convention met according to Adjournment

Mr Allen from the Committee of privileges & elections reported that the General returns from the Counties of Lincoln & Bourbon are satisfactory.

Ordered, That Mr Nicholas Lewis be appointed Serjeant at arms & that he give his attendance accordingly.

Resolved, That the following amendment to the eleventh article of the rules of this Convention be adopted to wit in the first line between the words "Convention" and the word "a" the following words be inserted "in all questions except that for a separation of this District from the State of Virginia."

Resolved, that this Convention do now resolve itself into a Committee of the whole to take into farther consideration the Act intitled an Act concerning the erections of the District of Kentucky into an Independent State

Mr Allen was elected to the Chair

And after sometime spent therein Mr President resumed the Chair and the Chairman reported that the Committee of the whole had taken the said Act into farther considerations & had come to a resolution thereon which he read in his place & then delivered in the same at the Clerks table where it was again twice read and

Agreed to as follows *Viz*

Resolved, That it is expedient for, and
the will of the good people of the District of
Kentucky that the same be erected into an
Independent State on the terms and conditions
specified in an Act of the Virginia Assembly
passed the 18th day of December 1789 entitled
an Act concerning the erection of the District
of Kentucky into an Independent State

On Motion Ordered that the Ayes & noes
be taken on the said Resolution

The names of those who voted in the affirmative
are Mr. Buttrick, Mr. Thurston, Mr. Brougham
Mr. Caldwell, Mr. Grundy, Mr. Logan, Mr. Mont-
gomery, Mr. Shelby, Mr. Davis, Mr. Bowman
Mr. Todd, Mr. President, Mr. J. Marshall
Mr. Young, Mr. Grant, Mr. A. Marshall
Mr. Garrison, Mr. Edwards, Mr. Shippe, Mr.
J. Lewis, Mr. Pickett, Mr. Waring, Mr. Vancouver
Mr. Dawson

The names of those who voted in the negative
are

Mr. Slaughter, Mr. Thomas, Mr. Hynes, Mr.
J. Lewis, Mr. Shepherd, Mr. Taylor, Mr. Lillard
Mr. Thoman, Mr. Green, Mr. Bryan, Mr.
Irwin, Mr. Reynolds, Mr. Talbot, Mr. Reid
Mr. Hancock, Mr. Allen, Mr. Route, Mr. Walker

Ayes 24

Noes 13

Ordered that Mr John Rogers be appointed
to act as Sergeant at arms in the Room of
Mr Nicholas Lewis.

Resolved that We the representatives
of the people of Kentucky duly elected in
pursuance of an Act of the Legislature of
Virginia passed the 18th day of December
1789 entitled an Act concerning the matter
of the District of Kentucky into an Indepen-
-dent State, and now met in Convention
having with full powers maturely investi-
-gated the expediency of the proposed Sepa-
-ration on the terms and conditions specified
in the above recited Act, do by these presents
in behalf of the people of Kentucky accept
the terms & conditions And do declare that
on the first day of June 1792 the said Dis-
-trict of Kentucky shall become a State
separate from & independent of the Govern-
-ment of Virginia and that the said Ar-
-ticles become a solemn compact binding
on the said people

Resolved, That a Committee be appointed to
draught an Address to the Congress of the
United States requesting their concurrence to
the foregoing resolution And a Committee was
appointed of Mr Bullitt, Mr S. Marshall
Mr Garrard, Mr Vancouver, Mr J. Marshall, Mr
Allin, Mr Caldwell, Mr Edwards, Mr Swins,
Mr Lewis & Mr Taylor & make report thereon

to the Convention Tomorrow.

Resolved, That the said Committee draft an Address to the Assembly of Virginia certifying to that body that this Convention hath determined on a Separation on the terms & conditions specified in an Act entitled an Act concerning the erection of the District of Kentucky into an Independent State.

The Convention then adjourned till Tomorrow Morning 10 O'clock

Thursday the 29th day of July 1790

The Convention met according to adjournment Mr Butlett reported from the Committee to draft an Address to the Congress of the United States, that the Committee according to order had prepared an Address which he read in his place & then delivered the same in at the Clerks table, where it was again read, It was ordered to be referred to a Committee of the whole Convention which is to sit today.

Mr Butlett also reported an Address to the Assembly of Virginia which he read in his place & then delivered in the same at the Clerks table where it was again twice read & agreed to as follows Viz

To the Honble the Speaker and House of Representatives of the State of Virginia Gentlemen,
By the enclosed copy of our

proceedings you will be informed that the good
people of the District of Kentucky, think it ~~con-~~
=sistent that the same be separate from & in-
dependent of the State of Virginia, you will
also be informed of the period at which the power
of the State of Virginia over the said District will
cease. We cannot signify this our determina-
=tion, without feeling & expressing the warmest
gratitude for your constant and unwearied
attention to our Interest, & your ⁱⁿinterrupted
indulgence to us in all our wishes.

It remains for us to express our hopes, that the
same friendship which you have shown us as
brethren belonging to the same Government,
will be continued to us when that close connec-
=tion which has hitherto united us shall be
dissolved, & to give you the strongest assurances
that the interests of the Government & the welfare
of the Citizens of Virginia, shall ever be among
the things most dear to us. We have the Honor to be
Gentlemen with the
highest respect &c

Mr James Marshall then moved the Convention
to come to a resolution taking the necessary pro-
=visional measures for the Election & meeting
of a Convention to frame & establish a funda-
=mental Constitution or form of Government.
which he read was, ^{and was} to be referred to a Committee
of the whole today.

The Convention then ¹⁰ resolved itself into a committee
of the whole on the Address to Congress

Mr Allin in the Chair

And after sometime spent therein the President
resumed the Chair & the Chairman reported that
the Committee of the whole had taken the said
Address into consideration but not having time
to go thro the same had directed him to move
for leave to sit again tomorrow, which was denied
Ordered that the said Address be recommitted
to a select Committee of Mr James Marshall
Mr Thurston, Mr A Marshall, Mr Allin, Mr Taylor
& Mr Edwards who are to report tomorrow

The Convention then resolved itself into a committee
of the whole on the resolution taking the necessary
& provisional measures for the election & meeting
of a convention to frame & establish a funda-
-mental Constitution or form of Government

Mr Garrison in the Chair

And after sometime spent therein the President
resumed the Chair & the Chairman reported that
the Committee of the whole had taken the
said Resolution into consideration & made some
amendments thereto which he was ready to
report.

Ordered that the said report be put off till
Tomorrow.

The Convention then Adjourned until
Tomorrow morning Ten of the clock.

Friday the 30th day of July 1790

The Convention met according to adjournment

Mr James Marshall from the select Committee
to whom was referred the Memorial to Congress
reported that the Committee had taken the
said memorial into consideration & had
amended the same which he read in his
place & then delivered it in at the Clerk's
Table where it was again read and ordered
to be referred to a Committee of the whole
Convention

Resolved, That this Convention do now resolve itself
into a Committee of the whole on the said
Memorial. Mr Garrard was elected
to the Chair. And after sometime spent
therein the President resumed the Chair
and the Chairman reported that the
Committee of the whole had taken the
said Memorial into consideration and
amended the same which he read in his
place & then delivered it in at the Clerk's Table
where it was again twice read and agreed
to as follows: Vtz -

To the President and the Honble
the Congress of the United States of
America

The Memorial ¹² of the Representatives of the
people of Kentucky in Convention Assembled
pursuant to an Act of the Legislature of
Virginia passed the 13th day of December 1789
entitled an Act concerning the erection of the
District of Kentucky into an Independent
State
Humbly sheweth

That the Inhabitants of this Country are as
warmly devoted to the American Union, and
as firmly attached to the present happy estab-
lishment of the Federal Government as any
of the Citizens of the United States ~

That migrating from thence they have with
great hazard and difficulty effected their
present settlements. The hope of increasing
numbers could alone have supported the early
Adventurers under those arduous exertions;
they have the satisfaction to find those hopes
verified. At this day, the population and
strength of this Country, render it fully able,
in the Opinion of your Memorialists, to form
and Support an efficient domestic Govern-
ment ~

The inconveniences resulting from its local
situation as a part of Virginia at first but
little felt, have for sometime been objects of
their most serious consideration; which
occasioned application to the Legislature of
Virginia for redress ~

Where your Memorialists would acknowledge
with peculiar pleasure the benevolence of

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Virginia in permitting them to remove
the evils arising from that source by assum-
ing upon themselves a State of Independence

This they have thought expedient to do on
the terms and conditions stipulated in
the above recited Act. And have fixed on
the first day of June 1792 as the period when
the said Independence shall commence

It now remains with the President and the
Congress of the United States to sanction these
proceedings by an Act of their Honorable
Legislature prior to the first day of No-
vember 1791 for the purpose of receiving
into the Federal Union the people of Kentucky
by the name of the State of Kentucky

Should this determination of your Memorialists
meet the approbation of the General Government
they have to call a Convention to form a
Constitution, subsequent to the Act of
Congress and prior to the day fixed for the
Independence of this Country

When your Memorialists reflect on the present
comprehensive system of Federal Government
and also when they recollect the determination
of a former Congress on this Subject, they
are left without a doubt, that the object of their
wishes will be accomplished. And your Me-
morialists as in duty bound shall forever
pray

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Resolved That the Clerk of this Convention inclose with the Address to Congress a copy of the resolutions of this Convention relative to the propriety of the proposed separation and the declaration of the separation and independence of this District to the President of this Convention to be by him signed and forwarded to the President of the United States —

Mr Garrard, from the Committee of the whole Convention of yesterday reported the resolution for taking the necessary provisional measures for the election & meeting of a Convention to frame & establish a fundamental constitution or form of Government, with amendments thereto, which he read in his place and then delivered in the same at the Clerk's Table where it was again twice read, amended & agreed to as follows *Niz*

Whereas the present Convention for the District of Kentucky, freely elected under an Act of the Assembly of Virginia entitled "An Act concerning the erection of the District of Kentucky into an independent State" hath declared it expedient for and the will of the good people, that the said District shall become a State separate from and independent of the Government of Virginia. And it therefore becomes necessary that a convention be called for the purpose of framing a constitution or form of government for the said District.

Resolved Therefore that in the month of December in the year One Thousand seven hundred and Ninetyone on the respective court days of the Counties within the said District & at the respective places of holding Courts therein, Representatives to continue in appointment for seven Months

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shall be elected by the free Male inhabitants of each County above the age of Twentyone years in like manner as delegates to this present Convention have been elected in the proportions following. In the County of Jefferson shall be elected five representatives; In the County of Nelson five representatives; In the County of Mercer five representatives; In the County of Lincoln five representatives; In the County of Madison five representatives; In the County of Fayette five representatives; In the County of Woodford five representatives; In the County of Bourbon five representatives & In the County of Mason five representatives - provided that no person shall vote in any County except that in which he resides and that no person shall be capable of being elected unless he has been a resident within the said District at least one year. Each of the Officers holding such elections shall continue the same from day to day passing over Sundays for five days including the first day and shall cause this resolution to be read each day immediately preceding the opening of the election at the door of the Courthouse or other convenient place, each of the said Officers shall deliver to each person duly elected a representative a Certificate of his election & shall transmit a general return to the clerk of the Supreme Court to be by him laid before the Convention. For every neglect of any of the duties hereby enjoined on such Officer he shall forfeit One hundred pounds to be recovered by action of Debt by any person suing for the same -

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The said Convention shall be held at Danville
on the first Monday in April 1792 and shall and
may proceed, after choosing a President and other
proper Officers, and settling the proper rules of pro-
ceedings, to frame and establish a constitution or
form of Government for the good people of Kentucky
and also to declare what laws shall ^{continue} in force until
altered or abrogated by the Legislative authority acting
under the constitution so to be framed & established
provided however that five members of assembly
shall be a sufficient number to adjourn from day to day
and to issue writs for supplying vacancies which may
happen from deaths, resignations or refusals to act &
provided also that in case of the absence, death, resig-
nation or refusal to act of any of the Officers appointed
by this resolution to hold the said elections any ~~Magis-~~
trate who shall choose to act, in any County where such
absence, death, resignation or refusal to act shall happen
may proceed to such election under the same rules
as such Officer should or might have held it.

On Motion resolved that whereas it may be ne-
cessary for the Convention to meet before the time it may
be adjourned to at the end of this present session, therefore
the President with the advice of three or at the request
of five members shall call the Convention or six members
may call a Convention in case of the death or removal of
the President

Resolved, That the Clerk of this Convention inclose with the
Address to Congress a copy of the resolutions of this Convention
relative to the expediency of the proposed secession and
the declaration of the separation & independence of this
District to the President of this Convention to be by

him signed and forwarded¹⁷ to the President
of the United States

Resolved, That the Clerk forward a copy of the address to the
Assembly of Virginia to the President of this Convention
to be signed by him and transmitted to the said
Assembly

Resolved, That a copy of the proceedings of this Convention
be by the Clerk transmitted to the Printer of the
Kentucky Gazette who is hereby requested to publish
the same for two weeks successively in his paper
for the information of the People

Resolved That this Convention do now adjourn until
the 20th day of May 1791.

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A Convention began 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 Honble 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 Honble George Muter former President
of a Convention to the President of this Convention
inclosing 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 15th 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 Privileges & Elections be appointed
of Mr Nicholas, Mr Garrard, Mr Thomas Lewis
Mr Logan Mr Thomas Kennedy Mr Walton Mr
Buttitt 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 Barber be appointed Sargeant
at arms to this Convention and that he give his
attendance accordingly

Ordered That Mr Roger Stone be appointed dootkeeper
to this Convention & that he give his attendance
accordingly

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

The Convention then adjourned until
Tomorrow morning Ten O'clock

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, 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 until 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 Sergeant at Arms during the absence of Mr. Joshua Barber.

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 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 consideration the matters to them referred and Mr Shelby 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 ^{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 then adjourned until 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 consideration the matters to them referred Mr Shelby 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 on 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 people
of Kentucky for the purpose of forming 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 as he
has resigned his Seat and that the Election be held
at the Courthouse of the said County on Monday
the tenth day of the present month.

Ordered That Mr Crawford have leave of absence from the
service of this house until Tuesday next Mr Mills
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 to & zealous assistance
-stance in conducting the business while a Member
of this house.

Resolved That this Convention will reconvene to the
order of the day again on Monday next resolve
itself into a Committee & the whole to take into
further consideration the matters to them referred
The Convention adjourned until 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
thru the inclemency of the weather Ordered that
the Convention do adjourn until 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 re-
sumed the Chair — Mr George Nicholas from the
County of Mercer being reelected appeared & took his seat
the Convention again went into a Committee 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 therin 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 con-
sideration the matters to them referred

The Convention then Adjourned until Tomorrow
Morning 10 O'clock

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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 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 had made some farther progress therein but not having time to go thro the same have 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 of 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

9
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 their ^{farther} consideration the matters to them referred. Mr. Shelby 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 has made some farther progress therein but not having time to go through the same have 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 further consideration the matters to them referred Mr Garrard was led 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 further consideration ^{the matters} referred and come to sundry resolutions, 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 confided to separate body of Magistracy To wit, 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 accepted

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 Twentyone 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 to 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, but

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but, no person shall be entitled to vote only in the County in which he actually 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 a Senator who shall not have attained the age of Twenty seven 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 come to twenty six Members.

Resolved That the Members of the General Assembly ought to receive from the public Treasury a compensation for their expences, which for the present ought to be fixed at six shillings aday, 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

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but no alterations shall be made to take effect during the existence of the Legislature which shall make such alteration

10 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 that no Member of Congress or other Person holding any Office of profit under the United States or this Commonwealth or persons whose fees are fixed by Law except Attornies at Law Justices of the peace Militia Officers & Coroners, ought to be a member of either House during his continuance in Congress or Office

11 Resolved That every Senator or Representative ought before he be permitted to act as such to 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 that every person shall be disqualified from serving as a Senator or Representative, who shall be convicted of having given or offered any bribe or treat or canvassed for the same.

12 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.

Th. t.

13

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 Member 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 should 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 from
time to time to give to the general Assembly information
of the State of the Commonwealth and recommend to their
consideration such measures as he shall judge expedient.
That he ought to have power on extraordinary occasions to
convene the General Assembly, and in cases of disagree-
ment between the two Houses with respect to the time of
adjournment to adjourn them to such time as he shall
think proper not exceeding four months. That he ought
to take 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

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 Governors 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 &

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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 this Commonwealth and to perform the duties of their respective Offices with fidelity. That a Declaration of rights ascertaining and securing from encroachment, the great ~~principles~~ 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 previous to such emancipation a full equivalent in money for the slaves so emancipated. That 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 of the United States. ¹⁵ That they shall have full power to 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. That they shall have full power to prevent slaves from being brought into the State as merchandize. 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 oblige the owners of Slaves to treat them with humanity, to provide for them necessary clothing & provision, to abstain from all injuries to them tending to life or limb and in case of their neglect or refusal to comply with the directions of such laws, to have such slaves sold for the benefit of their owners.

Resolved 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 continue 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.

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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 testimony of two witnesses to the same overt act, or on his own confession in open Court.

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 arm to 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 & ~~expressed by~~ ^{extorted 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 pro tempore, who doth not produce a certificate from a majority of the Judges of the Supreme Court of Appeals that he hath 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 both of the Supreme and inferior Courts 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 and justice to the parties with as little delay and at as small an expence as the nature of the business will allow. provided that in case of a dispute about a fact either party shall have a right to demand that the fact shall be ascertained by a Jury and to take 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 a majority of the Court to 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

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In land disputes shall not be found to be attended 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 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 re-adopting, 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 successively give it as their Opinion that such Convention ought to be held.

W^m Nicholas then moved the Convention to come to the following Resolve viz. Resolved that the place for the Seat of Government ought to be ^{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 Judgements, 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

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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, Mr Nelson, Mr Sebastian, Mr Shelby, Mr Thomas Kennedy, Mr Thomas Lewis, Mr Wallace, Mr Garrard, Mr Waring & Mr Buttelle.

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

The Convention then Adjourned accordingly.

Tuesday the 17th day of April 1892

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 Clerks Table where it was read & ordered to be referred to a Committee of the whole which is to sit immediately.

Resolved 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 13th 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 & had made several amendments thereto which were delivered in at the Clerks Table where they were again read & agreed to as follows. In Article the first, section the 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 twentyfourth after the word "year" in the second line thereof insert "till the time of their meeting shall be attired by the Legislature". In Article the first section the thirtyfourth after the word "No" in the seventh line insert "Minister of Religious Societies" and in the same Article & section after the word ^{in the tenth line thereof} continuance insert "to act as a Minister or". In Article the Tenth 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 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 next. 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 Deputies shall preside And 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 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 — 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 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 Tenth Article of the Constitution respecting Slavery, which was negatived and the Yeas & 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 Thoman, The Honble Harry Jones, The Reverend John Bailey, The Reverend Benedict Swope, The Reverend Charles Kannaugh, The Reverend George Smith, Mr Robert Trier, 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 Matthias Walton, Mr Joseph Hobbs, Mr Euthbert Harrison, Mr George Nicholas, Mr Benjamin Logan, Mr Isaac Shelby, Mr Wm Prontgomery, Mr Thomas Kennedy, Mr Joseph Kennedy, Mr Thomas Clay, Mr Higginson Leubbs, Mr Hubbard 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 Rastkin & Mr Thomas Waring.

Yeas	Nays
16	26

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Ordered That the constitution, with the amendments thereto,
beforely transcribed and entered at large on the Journals &
read again Tomorrow: which is in the following words,
Viz:

We the Representatives of the people of the
the State of Kentucky in Convention assembled
do ordain and establish this Constitution for its Govern-
ment.

Article I.

The powers of Government shall be divided into
three distinct departments, each of them to be confided
to a separate body of magistracy, to wit, those which are
legislative to one, those which are executive to another,
and those which are judiciary to another.

No person or collection of persons being of one of these
departments shall exercise any power properly belonging
to either of the others except in the instances herein after
expressly permitted.

The legislative power of this commonwealth
shall be vested in a general Assembly which shall
consist of a Senate and house of representatives.

The representatives shall be chosen annually
by the qualified electors of each County respectively
on the first tuesday in may; but the severall elections
may be continued for three days, if, in the opinion of
the presiding officer, or officers, it shall be necessary,
and no longer.

(No

No person shall be a representative who shall not have attained the age of twenty four years, and have been a citizen and inhabitant of the State two years next preceeding his election and the last six months thereof an inhabitant of the county in which he may be chosen unless he shall have been absent on the public business of the United States or ^{of} this State.

Within two years after the first meeting of, the general assembly and within every subsequent term of four years an enumeration of the free male inhabitants above twenty one years of age shall be made in such manner as may be directed by law. The number of representatives shall at the several periods of making such enumeration be fixed by the legislature, and apportioned among the several counties according to the number of free male inhabitants above the age of twenty one years in each, and shall never be less than forty nor greater than one hundred, But no County hereafter erected shall be entitled to a separate representation until a sufficient number of free male inhabitants above the age of twenty one years shall be contained within it to entitle them to one representative agreeable to the ratio, which shall then be established.

The Senators shall be chosen for four years. Until the first enumeration be made the Senate shall consist of eleven members and thereafter for every four members added to the house of representatives, one

Member shall be added to the Senate

In choosing the Senate one member at least shall be elected from each county until the number of counties is equal to the number of Senators, after which when a new county is made it shall as to the choice of Senators be considered as being a part of the county or counties from which it shall have been taken.

The Senate shall be chosen in the following manner. All persons qualified to vote for representatives shall on the first Tuesday in May in the present year and on the same day in every fourth year forever thereafter at the place appointed by law for choosing representatives elect by ballot by a majority of votes as many persons as they are entitled to have for representatives for their respective counties to be electors of the Senate.

No person shall be chosen an elector who shall not have resided in the State three years next before his election and who shall not have attained the age of twenty seven years.

The Electors of the Senate shall meet at such place as shall be appointed for convening the Legislature on the third day in May in the present year and on the same day in every fourth ^{year} forever 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 preceeding 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

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 favour on the second ballot, shall be accordingly declared and returned duly elected & if on the second ballot an equal number shall still be in favour 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 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 favour, affection, partiality or prejudice such person for Governor and such persons for senators as they in their judgement & 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 pro tempore 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 expel 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 Journal ~

The doors of each house and of Committee's 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 severity 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 which senator or representative was in Office.

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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 ~~their~~ 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

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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 that house 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 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 disap-
proved

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disapproved shall be re-passed by two thirds of both
of both houses according to the rules & limitations pre-
scribed in case of a bill

Article 2.^d

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

II. 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.

III. 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

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 Yattel.

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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 3.rd

Section 1. In elections by the Citizens all free male Citizens of the age of twenty one 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 surety of the peace be privileged from arrest during their attendance at elections and in going to and returning from them.

Article 11th

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

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 stiled 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 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 expence 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~~ 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 & prefer 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 in such cases or to take away entirely the original Jurisdiction hereby 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 through out 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 untill 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 untill the next general election & untill a successor shall be chosen and qualified as aforesaid.

The freeman 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 services.

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 during 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 ^{not} only testator, who shall 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 ~~of 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 7.th

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

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As the case may be) 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 appro-
priations 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.

The legislature shall direct 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 esteemed by the legislature the
most solemn appeal to God.

All laws now in force in the state of Virginia, not incon-
sistent with this Constitution, which are of a general na-
-ture and not local to the eastern part of that state, shall
shall be in force in this state until they shall be altered
or repealed by the Legislature.

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The compact with the state of Virginia, subject to such alterations as may be made therein, agreeably 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 immigrants to this state, from bringing with them such persons as are deemed slaves by ~~any~~ 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 merchandize. 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 them 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.

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Article 10th

Section 1. ²³ The place for the seat of government shall be fixed in the following manner. The house of representatives shall during their session 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 give on the place for the seat of government, to receive grants from individuals therefor, 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 ^{not} 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 affirmations 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 11.th

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 vote also by ballot for or against a convention, as they shall severally choose to do and if thereupon it shall appear that a majority of all the citizens in the state voting for representatives, have voted for a convention, the General assembly shall direct that a similar ballot shall be taken the next year, and if thereupon it shall also appear, that a majority of all the citizens in the state voting for representatives have voted for a convention, the general assembly shall at their next session, call a convention to consist of as many members as there shall be in the house of representatives to be chosen in the same manner, (at the same places, and at the same time that representatives are) by the citizens entitled to vote for representatives, & to meet within three months after the said election for the purpose of readopting, amending or changing this constitution. If it shall appear upon the ballot of either year that a majority of the citizens voting for representatives is not in favor of a convention's being called, it shall not be done, until two thirds of both branches of the Legislature shall deem it expedient.

Article 12.th

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

We declare

Section 1.st 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 of 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 ~~that~~ 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 & possessions, 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 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 judgement of his Peers or the law of the Land.

That no person shall for any indictable offence be prosecuted 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 delivery up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

That no ex post facto law, nor any law impairing contracts shall be made.

That no person shall be attainted of Treason or felony by the legislature.

That no attainder 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.

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That the rights 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 term 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 every thing 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 untill the tenth day of August next and no longer ~

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That untill 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 repre-
-sentatives, the County of Lincoln four representatives ~~in~~
the County of Fayette nine representatives, the County of
Nelson six representatives, the County of Mercer four repre-
-sentatives, the County of Madison three representatives
the County of Bourbon ^{the County of Wood} five representatives and the County
of Mason two representatives ~~in~~

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

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 ~~in~~

Untill a Seal shall be provided for the state, the Governor
shall be at liberty to use his private seal ~~in~~

The oaths of office herein directed to be taken, may be ad-
-ministered by any Justice of the peace, until the Legislature
shall otherwise direct ~~in~~

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 ~~in~~

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 ~~in~~

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

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taken an oath before a Justice of the Peace to conduct the
said election with impartiality, shall have power to admit
- nister 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 as the
constitution for the Government of the State of Kentucky
Resolved that the President be requested to transmit
to the President of the United States four copies of the
constitution formed by this Convention

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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 Hon. Dr.
Samuel McDowell Esq. President thereof
hath hereto set his hand & seal the 10th day of April last
written

Attest

Saml. McDowell Esq.

Thomas Load Esq.

The Convention then adjourned without
day.

Attest

Thomas Load Esq.

50
Resolved ^{that} the President be requested to have the
proceedings of this Convention, prepared for the
Legislature shall give orders regarding them

In Testimony of the foregoing
Samuel McKee & Eugene Hall got up the record
and Seal his name as the Clerk

1799. Robert Clark.

aug 7th For 17 days attendance as a member of } £7. 13. 0
the Convention from 22nd July to 7th Aug }
inclusive
For 84 Miles travel } 1. 10. 0
£9. 3. 0

Wm Sudduth

For 17 days att. } £7. 13. 0
from 22nd July to 7th Aug inclusive
98 Miles travel } 1. 10. 6
£9. 4. 6

Geo Stockton.

For 17 days. } £7. 13. 0
160. Miles } 2. 16. 7
£10. 9. 7

Joshua Baker.

Same as George Stockton £10. 9. 7

R. Hickman

17 days } £9. 0. 4.
76. Miles }

R. Johnson.

17 days } £8. 4. 1 1/2.
30. Miles }

1799. T. Marshall
for 20 days } £11-14-0
450 miles }

J. Forbes
for 20 days } £10-16-0
100 miles }

Nathaniel Rodgers
For 13 days attendance } £5-17-

James Duncan.
For 14 days — £6-6-0.

Rob^t. Wilsmott
For 14 days — £6-6-0

Pat. Brown.
23. day: }
150 miles } £13-2-4
2 for 8. }

Brut. H. Com.
 Virg. A. Smith
 Department of Pension letters
 than any before

Governor v
 Co. Appeals v
 Co. Oyer v
 Atto Gen v
 Treasurer v
 Auditor v
 Secretary v

Constitution

Military Expenditures v Constitution

Venues v

Of Session Justice v

~~Of Session Justice v~~ Court of App.

Legislature v

take in
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19.3 10
 58-7
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 58-6-3
 29-9-6
 229-12-2
 15-7-5
 2-3
 241 88

Wm. J. Smith
 Wm. J. Smith
 Wm. J. Smith