



IHB

Advanced Search

GOVERNOR
MITCH DANIELS
Visit his Home Page »Indiana
Historical Bureau

IHB Home

About the Bureau

Shop

Historical Markers

Cemeteries

For Educators

For Researchers

About Indiana - History and
TriviaSign up to receive
e-mail and wireless
updates from IHB[Constitution of 1851 as originally written](#) > Article 4 - Legislative

Article 4 - Legislative

Section 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana;" and no law shall be enacted, except by bill.

Section 2. The Senate shall not exceed fifty, not the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts, into which the State may, from time to time, be divided.

Section 3. Senators shall be elected for the term of four years and Representatives for the term of two years, from the day next after their general election: Provided, however, that the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class, at the expiration of four years; so that one half as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

Section 4. General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years.

Section 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age in each: Provided, that the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

Section 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county for Senatorial apportionment, shall ever be divided.

Section 7. No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and, for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

Section 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

Section 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may at any time by proclamation, call a special session.

Section 10. Each House, when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualifications and returns of its own members; determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days nor to any place other than that in which it may sitting.

Section 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days until an organization shall have been effected.

Visited 11/01/2012

Section 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays on any question, shall, at the request of any two members, be entered together with the names of the members demanding the same, on the journal; Provided, that on motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

Section 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

Section 14. Either House may punish its members for disorderly behaviour, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

Section 15. Either House during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behaviour in its presence; but such imprisonment shall not at any one time exceed twenty-four hours.

Section 16. Each House shall have all powers, necessary for a branch of the Legislative department of a free and independent State.

Section 17. Bills may originate in either House, but may be amended or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.

Section 18. Every bill shall be read, by sections, on three several days, in each House; unless in case of an emergency, two-thirds of the House where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

Section 19. Every act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Section 20. Every act and joint resolution shall be plainly worded, avoiding as far as practicable, the use of technical terms.

Section 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

Section 22. The General Assembly shall not pass local or special law, in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of Justices of the Peace and of Constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening and working on highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys and public squares;

Summoning and empanneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers and their compensation;

For the assessment and collection of taxes for State, county, township or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries;

In relation to interest on money;

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

Visited 11/01/2012

Section 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

Section 24. Provision may be made, by general law, for bringing suit against the State, as to all liabilities originating after the adoption of the Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State shall ever be passed.

Section 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the Presiding Officers of the respective Houses.

Section 26. Any member of either House shall have the right to protest, and to have his protest with his reasons for dissent, entered on the journal.

Section 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

Section 28. No act shall take effect, until the same shall have been published and circulated in the several counties of the State by authority, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

Section 29. The members of the General Assembly shall receive for their services, a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

Section 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.



Online Services



Frequently Asked Questions



Calendar



Quick Links:

- Text
- Text Reader
- Mobile
- Find a Person
- Find an Agency
- IN.gov User Survey
- Advanced Search

Information For:

- Businesses
- Kids
- Local Government
- Residents
- State Employees
- Vendors & Lobbyists
- Visitors

State Info:

- Help
- Newsroom
- Transparency
- Policies
- Sitemap
- Web Awards
- 1-317-232-2535



Elected Officials



Legislative



Judicial