

FLORIDA STATUTES

1941

Compiled by the
ATTORNEY GENERAL
Statutory Revision Department



VOLUME III

HELPFUL AND USEFUL MATTER,

Published by the
STATE OF FLORIDA

FLORIDA STATE LIBRARY

sembly. The members of the said Convention shall be entitled to the same pay and mileage allowed to the members of the General Assembly, and all citizens of the State of Florida entitled to the right of suffrage shall be eligible to the said Convention.

Sec. 4. Be it further enacted, That should any vacancy occur in the said Convention, it shall be the duty of the several Judges of Probate of the county or representative District from which said vacancy did occur to order an election to fill said vacancy, giving five days notice thereof.

Sec. 5. Be it further enacted, That a majority of said Convention shall be a quorum to do business. They may employ such officers and incur such expenses as may in their opinion be necessary, which expenses shall, upon the

certificate of the President of the said Convention, be audited by the Comptroller of Public Accounts and paid by the Treasurer; and the ordinances of said Convention shall be the supreme law of the State of Florida, anything elsewhere to the contrary notwithstanding.

Sec. 6. Be it further enacted, That the Governor of this State shall issue his proclamation to have this act carried into effect, and shall have the said proclamation published in every newspaper printed in this State, and give such further notice as will, in his opinion, insure the greatest publicity.

(Passed the Senate November 28, 1860. Passed the House of Representatives November 29, 1860. Approved by the Governor November 30, 1860. Chapter 1094, laws of Florida, acts of 1860.)

CONVENTION OF 1861.

Pursuant to chapter 1094, acts 1860, calling a convention and providing for the election of delegates, a convention, beginning on Thursday, January 3, 1861, was held in Tallahassee,

which passed an Ordinance of Secession, January 10, 1861; and amended the constitution of 1838 by inserting the words "Confederate States" in place of "United States."

CONSTITUTION OR FORM OF GOVERNMENT FOR THE PEOPLE OF FLORIDA, AS REVISED AND AMENDED.

AT a Convention of the People Begun and Holden at the City of Tallahassee, on the Third Day of January, A. D. 1861.

ORDINANCE OF SECESSION"

We, the People of the State of Florida, in Convention assembled, do solemnly ordain, publish and declare, that the State of Florida hereby withdraws herself from the Confederacy of States existing under the name of the United States of America, and from the existing government of said States; and that all political connection between her and the government of said States ought to be and the same is hereby totally annulled and said Union of States dissolved, and the State of Florida is hereby declared a sovereign and independent Nation; and that all ordinances heretofore adopted, in so far as they create or recognize said Union, are rescinded, and all laws or parts of laws in force in this State, in so far as they recognize or assent to said Union, be and they are hereby repealed.

Done in open Convention, January 10th, 1861.

ARTICLE I.

Declaration of Rights.

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

1. That all freemen, when they form a social compact, are equal, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority, and established for their

benefit, and therefore, they have at all times an inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may deem expedient.

3. That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship in this State.

4. That all elections shall be free and equal; and that no property qualification for eligibility to office, or for the right of suffrage shall ever be required in this State.

5. That every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty; and no law shall ever be passed to curtail, abridge, or restrain the liberty of speech or of the press.

6. That the right of trial by jury shall forever remain inviolate.

7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches; and that no warrant to search any place, or to seize any person or thing shall issue without describing the place to be searched, and the person or thing to be seized, as nearly as may be, not without probable cause, supported by oath or affirmation.

8. That no freeman shall be taken, imprisoned or disseized of his freehold, liberties, or outlawed or exiled, or in any manner de-

¹Repealed October 28, 1865, see p. 174 infra.