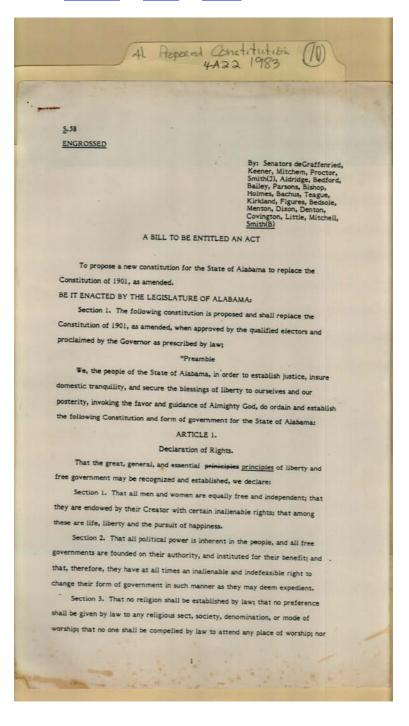
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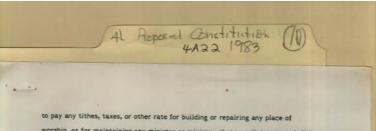
#### Names:

Aldridge, Senator Bachus, Senator Bailey, Senator Bedford, Senator Bedsole, Senator Biil entitled to be an Act Bishop, Senator

# **Types:**

legislation

Covington, Senator Denton, Senator Dixon, Senator Figures, Senator Holmes, Senator Keener, Senator Kirkland, Senator Little, Senator Menton, Senator Mitchell, Senator Mitchem, Senator Parsons, Senator Proctor, Senator Proposed Alabama Constitution Replace 1901 Constitution Smith, Senator Teague, Senator deGraffenried, Senator Frances Cabaniss Roberts Collection: Series 4, Subseries A, Box 22, Folder 10Proposed Alabama Constitution To Replace 1901 Constitution, 1983Image 2r04a22-10-000-0093ContentsIndexAbout



worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles.

Section 4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Section 5. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

Section 6. That in all criminal prosecutions, the accused has a right 4e to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue.

Section 7. That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

Section 8. <u>That</u> Ne <u>no</u> person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in the Constitution; provided, that in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such other inferior courts as may be by law established. Provided further that in all felony cases, except those punishable by capital punishment, the legislature may by law dispense with a grand jury and

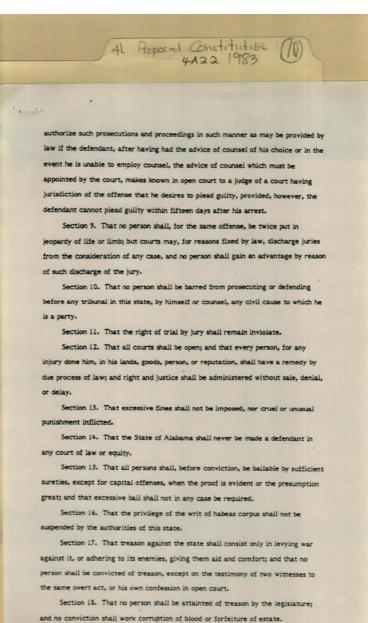
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Names:

Proposed Alabama Constitution

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Section 19. That no person shall be imprisoned for debt.

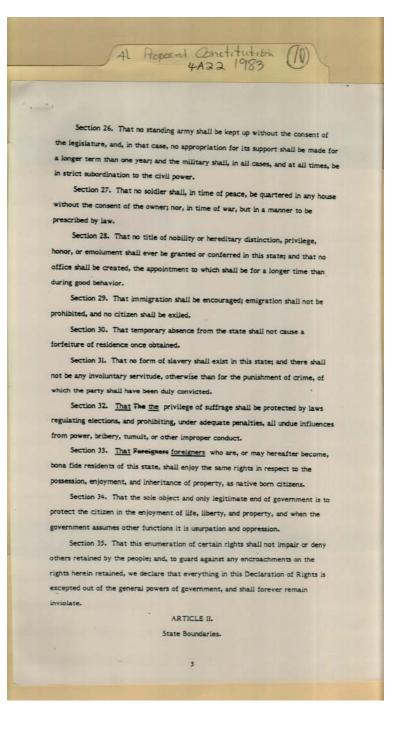
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# Names:

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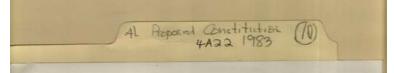


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Section 36. The boundaries of this state are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this state, as originally formed; thence southwardly, along the line of the State of Mississippi, to the Guif of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this state shall extend to and include any other land and territory kereaster acquired, by contract or agreement with other states or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

#### ARTICLE III.

Distribution of Powers of Government.

Section 37. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall 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 judicial, to another.

Section 38. In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

#### ARTICLE IV.

Legislative Department

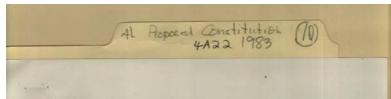
Section 39. The legislative power of this state shall be vested in a legislature, which shall consist of a senate and a house of representatives. Section 40. Senators and representatives shall be elected by the qualified electors in every fourth year on the first Tuesday after the first Monday in

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Proposed Alabama Constitution

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November unless the legislature shall change the time of holding elections <u>\_ and</u> thereafter. The terms of office of the senators and representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution.

Section 41. Whenever a vacancy occurs in either house of the legislature the governor shall issue a writ of election within such time as may be provided by general law to fill such vacancy for the remainder of the term. All expenses of the election shall be paid by the state. If a legally qualified candidate for election to the vacancy is unopposed when the last date for filling for places on the ballot has passed, the election shall not be held, and a certificate of election shall be issued in the manner provided by law.

Section 42. Senators shall be at least twenty-five years of age, and representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective districts for one year next before their election, if such district shall have been so long established; but if not, then of the district from which the same shall have been taken; and they shall reside in their respective districts during their terms of office.

Section 43. All sessions of the legislature shall be held in the City of Montgomery at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become temporarily impracticable for the legislature to meet or remain at the capitol, in which case the legislature may by resolution, approved by the governor, designate and provide a suitable place in the City of Montgomery for the meeting of the legislature and the transacting of business of the legislative department for such temporary time.

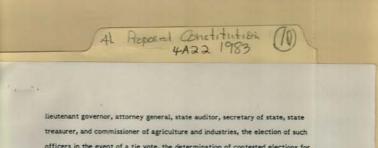
Section 44. The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor,

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officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor.

Section 45. At the beginning of each such organizational session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president pro tempore of the senate and the speaker of the house of representatives shall each hold his respective office until his successor has been elected and qualified. Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members.

Section 46. The legislature shall convene in regular sessions annually on the first Tuesday in February, or on such other day as may be prescribed by law, and shall be limited to 30 legislative days and 105 calendar days. Special sessions of the legislature convened in the manner provided by this Constitution shall be limited to twelve legislative days and 30 calendar days.

Section 47. The pay of members of the legislature shall be ten dollars per day. Each member of the legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, and not more than one such travel allowance shall be paid for each session of the legislature. In addition to his travel allowance, each member of the legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the legislature, incurred in the performance of his duties, but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the State of Alabama, or any of its agencies, for expenses other than actual expenses of traveling.

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Excepty howevery no legislature may increase the compensation or allowances of its

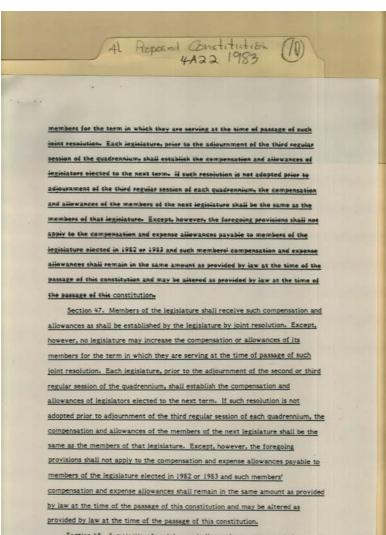
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Section 48. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Section 49. Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to

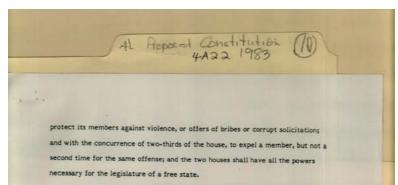
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Section 50. A member of the legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Section 51. Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal.

Section 52. Members of the legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and for any speech or debate in either house shall not be questioned in any other place.

Section 53. The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the legislature, the officers, and employees of the two houses, the governor and his secretary, representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor.

Section 54. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.

Section 55. No senator or representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people. Section 56. The style of the laws of this state shall be: "Be it enacted by the

legislature of Alabama", which need not be repeated, but the act shall be divided

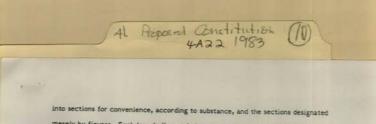
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merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revisions of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be reenacted and published at length.

Section 57. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

Section 58. No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house.

Section 59. Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution; provided that either house may dispense with the reading at length required by this section by unanimous consent, <u>which fact shall also be entered in the journal.</u>

Section 60. No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments.

Section 61. The legislature shall have no power to authorize lotteries or gift enterprises except for charitable <u>or educational</u> purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery.

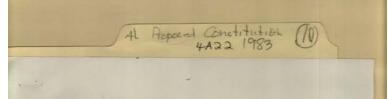
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Section 62. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal.

Section 63. The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

Section 64. The legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant, any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made, nor to increase or decrease the fees and compensation of such officers during their terms of office; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not prevent the legislature from increasing retirement benefits to those eligible for retirement benefits.

Section 65. All bills for raising revenue shall originate in the house of representatives. The senate may propose amendments to revenue <u>such</u> bills. No revenue bill shall be passed during the last five days of the regular session.

Section 66. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. The salary of no officer or employee shall be increased in such bills, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

Section 67. No money shall be paid out of the treasury except upon appropriations made by law duly enacted by the legislative branch of government, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be

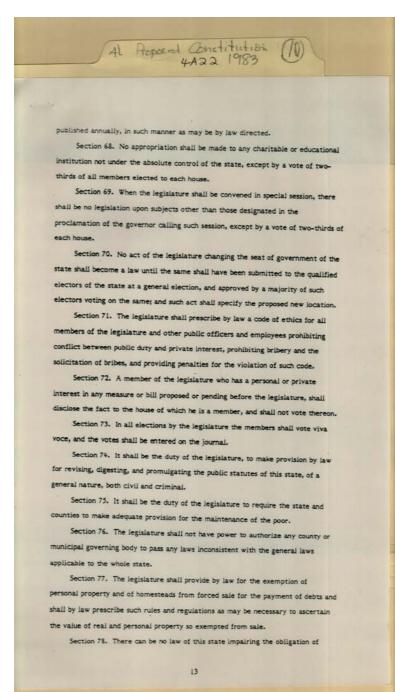
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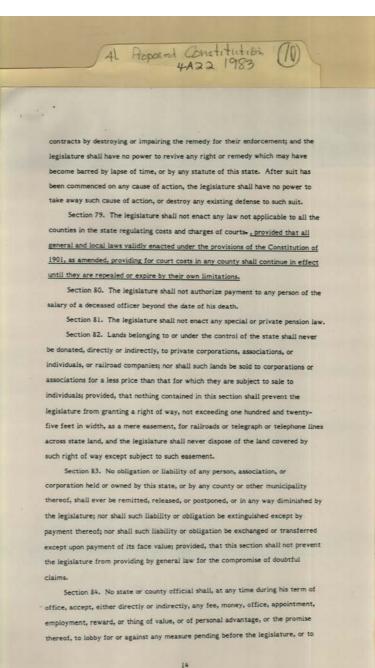


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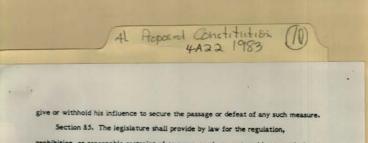


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prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business.

Section 26. The legislature shall pass general laws under which local and private interests shall be provided for and protected.

Section 36. Corporate charters shall be granted, amended, dissolved or extended only pursuant to general laws, provided, however, that public corporations may be created, altered and dissolved by general, local or special law.

Section 87. No special, private, or local law shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the legislature shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the legislature indirectly enact any such special, private, or local law by the partial repeal of a general law nor shall the legislature enact a special, private or local law amending, confirming, or extending the charter of any private or municipal corporation, or remitting the <u>forfeiture thereof</u>; except that municipal boundaries may be altered or rearranged by local law.

Section 33. No special, private, or local law shall be passed on any subject unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bills and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall

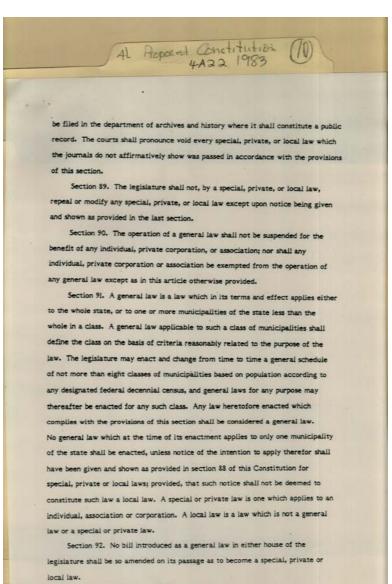
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ARTICLE V.

Executive Department.

Section 93. The executive department shall consist of a governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer,

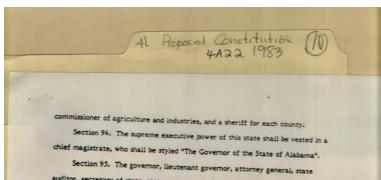
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auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the qualified electors of the state at the same time and places appointed for the election of members of the legislature.

Section 96. The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the legislature in joint convention; but the speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the legislature by joint vote, without delay, shall choose one of said persons for said office. Contested election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall be determined by both houses of the legislature in such manner as may be prescribed by law.

Section 97. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer and commissioner of agriculture and industries shall hold their respective offices for the term of four years from noon on the first Monday after the second Tuesday in January next succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term.

Section 98. The governor and lieutenant governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the

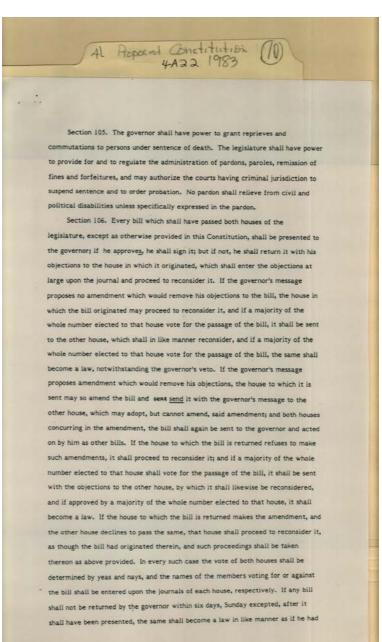
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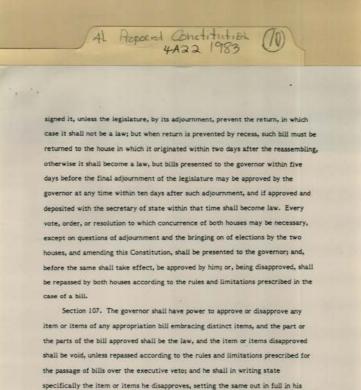
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message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 108. In case of the governor's removal from office, death or resignation, the lieutenant governor shall become governor. If both the governor and lieutenant governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor, pending such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and administered by either the president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, or state treasurer in the order herein named. In case of the impeachment of the governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the

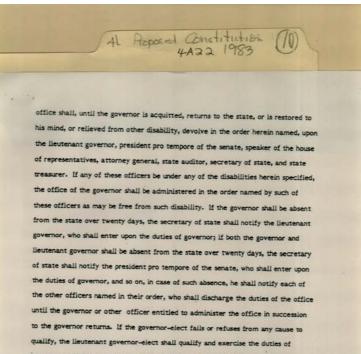
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qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies; and in the event both the governorelect and the lieutenant governor-elect from any cause fail to qualify, the president pro tempore of the senate, the speaker of the house of representatives, the attorney general, state auditor, secretary of state, and state treasurer, shall, in like manner, in the order named, administer the office until the governor-elect or lieutenant governor-elect qualifies.

Section 109. If the governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the supreme court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in section 108 of this Constitution, not next in succession to the officer of governor, to ascertain the mental condition of the governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the secretary of state; and in the event of such adjudication, it shall be the duty of the officer next in succession to perform the duties of the office until the governor or other officer administering the office is restored to his mind. If the incumbent denies that the governor or other person entitled to administer

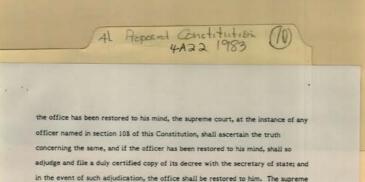
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In the event of such adjudication, the office shall be restored to him. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the governor or person acting as governor.

Section 110. The lieutenant governor, president pro tempore of the senate, speaker of the house, attorney general, state auditor, secretary of state, or state treasurer, while administering the office of governor, shall receive like compensation as that prescribed by law for the governor, and no other.

Section 111. No person shall, at the same time, hold the office of governor and any other office under this state or the United States except service in the military forces of the United States and except as otherwise provided in this Constitution.

Section 112. The governor shall be commander-in-chief of the militia of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by resolution of the legislature.

Section 113. No person shall be eligible to the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this state at least five years next preceding his election, and shall be at least twenty-five years old when elected.

Section 114. There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called "The Great Seal of the State of Alabama".

Section 115. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the governor, and when necessary.

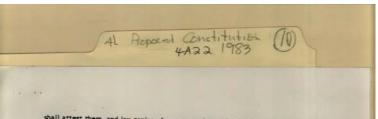
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shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

Section 116. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

Section 117. Should the office of attorney general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries become vacant from any cause, the governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the supreme court upon the suggestion of the governor.

Section 118. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall perform such duties as may be prescribed by law. The state treasurer and state auditor shall, every year, at a time fixed by the legislature, make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices if required by the governor or the legislature. The attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. The legislature may require the attorney general to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or employees of any such boards, or against any school official or employee throughout Alabama.

Section 119. A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever

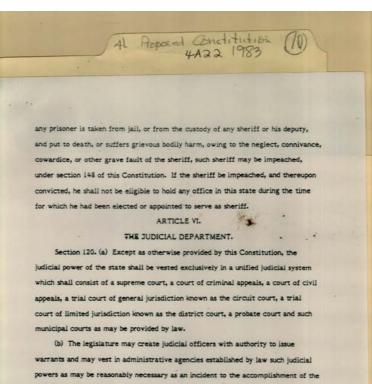
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purposes for which the agencies are created.

Section 121. (a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

Section 122. (a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and

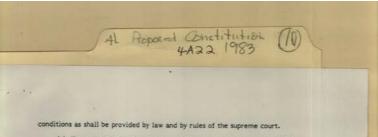
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(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

Section 123. (a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided.

Section 124. The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law.

Section 125. There shall be a probate court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have

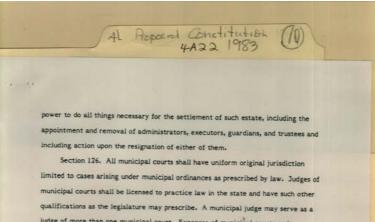
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judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 134, 135 and 136 of this article. The prohibited activities of section 128(a) and (b) shall not be applicable to a judge of a municipal court.

The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, reestablish a municipal court after appropriate notice.

Section 127. Judges of the supreme court, courts of appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law.

Section 128. (a) No judge of any court of this state shall, during his continuance in office, engage in the practice of law or receive any remuneration for his judicial service except the salary and allowances authorized by law-

(b) No judge, except a judge of a probate court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State-

Section 128. (a) No judge of any court of this state, except a municipal judge, shall, during his continuance in office, engage in the practice of law and no

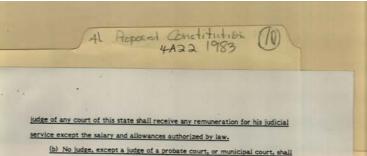
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seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State.

Section 129. (a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of municipal courts and judges of the probate courts. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act or a joint resolution of the legislature at the session to which the report is submitted, provided, however, that, as thus fixed, such compensation shall not become effective until the first day of the fiscal year next following. The compensation of a judge shall not be diminished during his official term.

Section 130. The chief justice of the supreme court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate

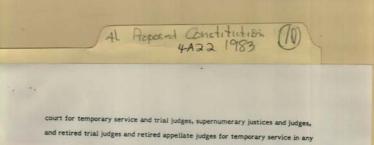
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and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judicial system, exclusive of probate courts and municipal courts. The legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the appellate courts from each such court.

Section 131. The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedures in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided, further, that the right of trial by jury as at common law and declared by section 11 of this Constitution shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application.

Section 132. The power to change-the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.

Section 133. (a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not affect

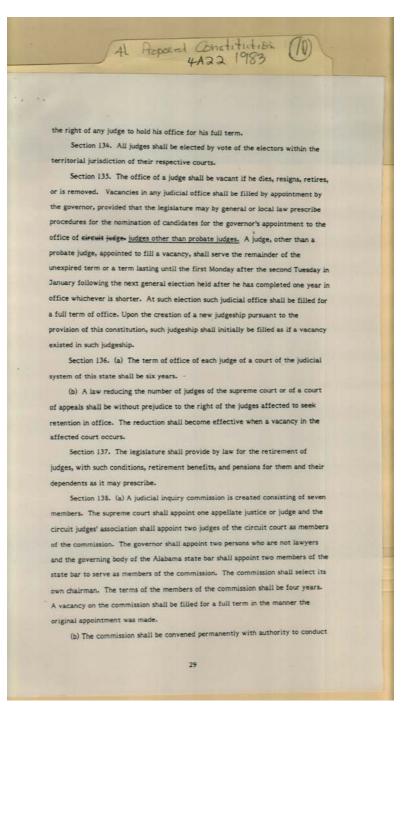
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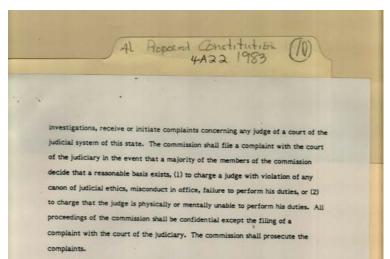


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(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoen power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The legislature shall appropriate funds for the operation of the commission.

Section 139. (a) The court of the judiciary is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of the judiciary, two judges of the circuit court, who shall be selected by the circuit judges' association, and two members of the state bar, who shall be selected by the governing body of the Alabama state bar. The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing (1) to remove from office, suspend without pay, or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to suspend with or without pay, or to retire a judge who is physically or mentally unable to perform his duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The legislature shall provide by law for the expenses of the court.

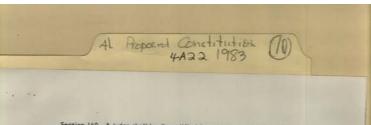
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Section 140. A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

Section 141. (a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuance in office, reside in his circuit. His term of office shall be for six years and he shall receive such compensation as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

(c) The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

# ARTICLE VII.

Section 142. The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the house of representatives. When the governor or lieutenant governor is impeached, the chief justice, or if he be absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment. If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to

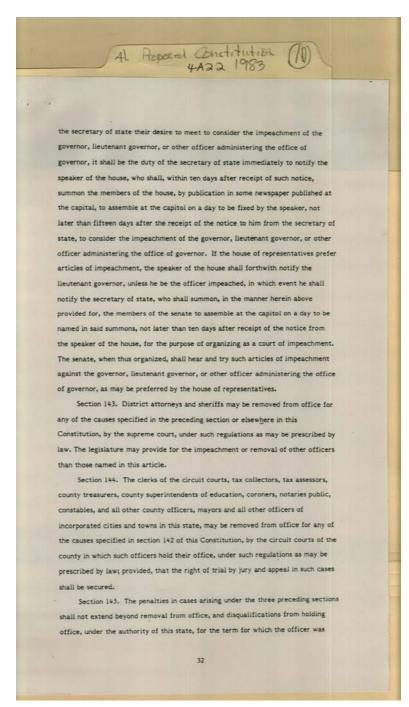
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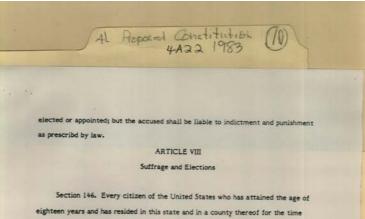


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eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his residence. The legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting.

Section 147. No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 14%. The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

#### ARTICLE IX Representation

Section 149. The number of senators shall be not more than thirty-five and

the number of representatives shall be not more than one hundred five. Section 150. The State shall be divided by law into single-member districts for the election of members of the Senate and into single-member districts for the

election of members of the House of Representatives. Each single-member district shall consist of compact and adjoining territory, and the population of each such district shall be as nearly equal as practicable.

Section 151. Reapportionment of senatorial and house of representatives districts shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

Section 152. Redistricting of congressional districts for the election of the members of the United States House of Representatives shall be accomplished by the legislature by law as soon as practical after official publication of each decennial census of the United States.

> ARTICLE X Education

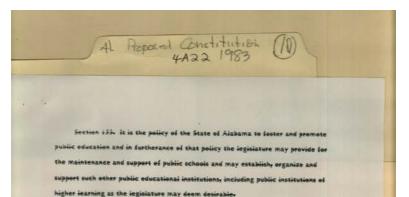
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Section 152. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state and the counties to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Section 152. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, the counties, and the cities to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, the counties and cities with city school systems to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Section 154. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the legislature may provide.

Section 135. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the legislature may prescribe. The superintendent of education shall receive an annual

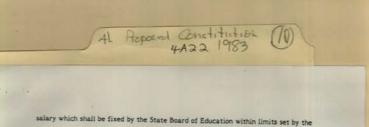
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legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

Section 136. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

Section 157. All lands or other property given by individuals, or appropriated by the state for educational purposes, and all estates of deceased persons which shall have escheated to the state shall be used or applied to the furtherance of education.

Section 158. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections 156 and 157 of this Constitution together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the legislature shall levy, shall be applied to the support and furtherance of education, and it shall be the duty of the legislature to increase the edwcatienai <u>public school</u> fund from time to time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state.

Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state, and all of special ad valorem or other taxes levied by counties and other municipalities, or school districts, pursuant to the Constitution for public school purposes, shall be applied to the support and furtherance of education pursuant to section 153 of the Constitution, as amended.

Section 159. No money raised for the support of the public schools shall be

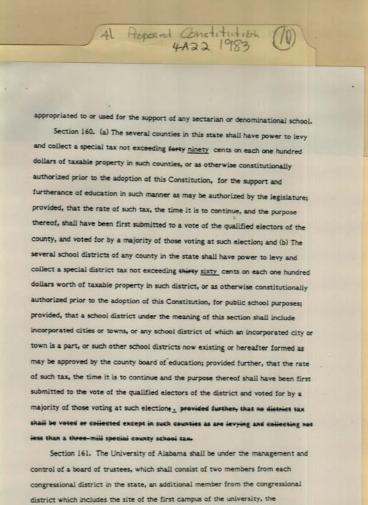
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district which includes the site of the first campus of the university, the superintendent of education, and the governor, who shall be ex officio president of the board. The members of the board of trustees shall hold office until their respective terms expire, and until their successors shall be elected and confirmed as hereinafter required. Trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of successor trustees of trustees to fill any vacancy created by the expiration of a

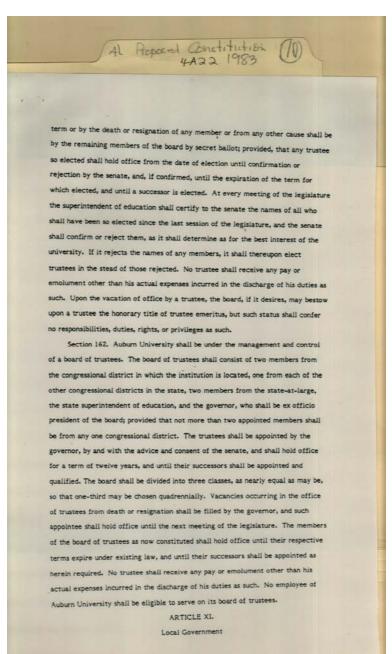
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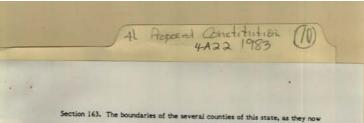
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exist, are hereby ratified and confirmed.

Section 164. The legislature may, by a vote of two-thirds of each house thereof, arrange and designate boundaries for the several counties of this state, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles; and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation.

Section 165. No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county courthouse of any old county.

Section 166. No courthouse or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years.

Section 167. The legislature shall provide by general law a form or optional forms of local government for counties delegating such legislative authority to such governing bodies as the legislature deems desirable not inconsistent with the provisions of this constitution. A county may adopt or repeal a prescribed form of local government by referendum initiated by resolution of the governing body or by petition of the electorate in such county in accordance with such conditions and procedures as the legislature shall provide by general law.

Section 167. The legislature shall provide by general law an optional plan or optional plans of local government for counties delegating such legislative authority to such governing bodies as the legislature deems desirable not inconsistent with the provisions of this constitution. A county may adopt or repeal such an optional plan of local government by referendum initiated by resolution of the governing body or by petition of the electorate in such county in accordance with such conditions and procedures as the legislature shall provide by general law. A county which does not elect to be governed by such an optional plan, or which

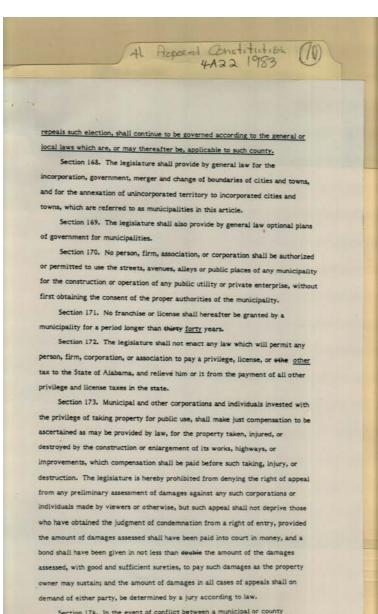
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ordinance and a state law, the state law shall prevail. in the event of conflict

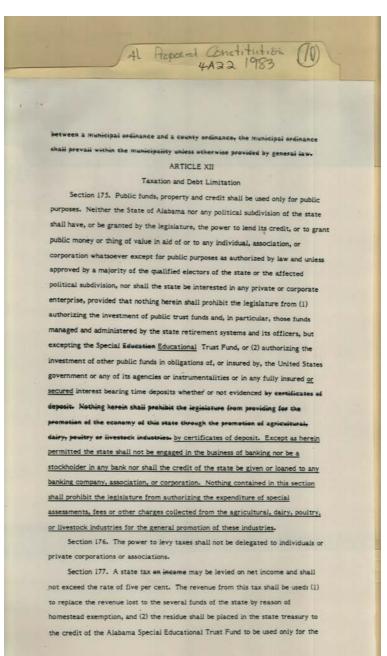
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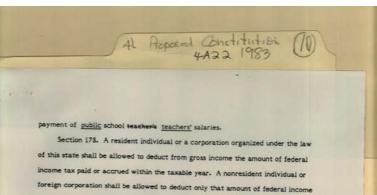
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#### Names:

Proposed Alabama Constitution

#### **Types:**

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tax paid or accrued in the taxable year on income received from sources within the state, to be determined in accordance with such laws as the legislature may enact. Section 179. Except as prohibited by this Constitution, the legislature, in enacting laws taxing income, may define income by reference to provisions of the

laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

Section 180. The legislature may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes.

Section 181. No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax and except for any extra fee charged for personalized license plates, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than the cost of administering such laws, statutory refunds and adjustments allowed therein, the cost of construction, reconstruction, maintenance and repair of public highways and bridges, the costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this section shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein.

Section 182. There shall be a fund in the state treasury which shall be known as the game and fish fund and which shall consist of all moneys received from the sale of hunting and fishing licenses, from fines, forfeitures, and any other fee received pursuant to the game and fish laws of this state or rules and regulations promulgated thereunder, all moneys derived from the sale of lands, timber or other natural resources owned by the game and fish division of the Department of Conservation and all moneys accruing to the game and fish fund from any other source. No funds accruing to the game and fish fund shall be expended for any

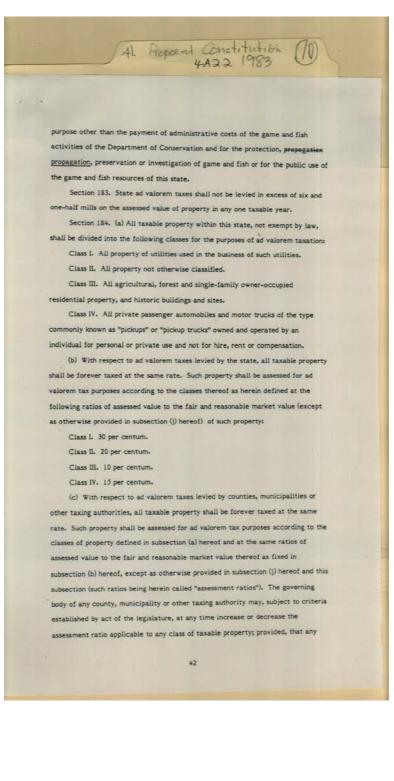
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#### Names:

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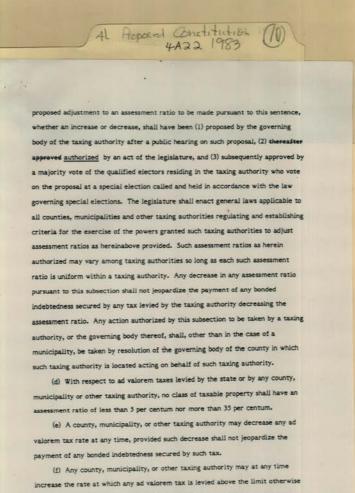


Types: legislation

Proposed Alabama Constitution

Names:

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Increase the rate at which any ad valorem tax is levied above the limit otherwise provided in <u>permitted by</u> this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by

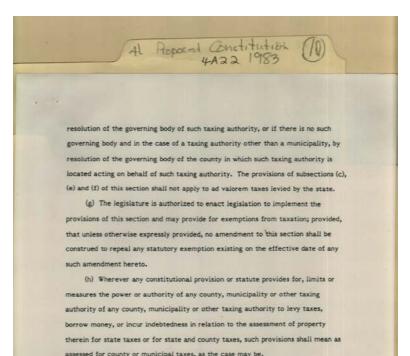
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#### **Types:**

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(i) Except as otherwise provided in this Constitution, or authorized prior to the adoption of this Constitution the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2 per cent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed 15% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed 18% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to

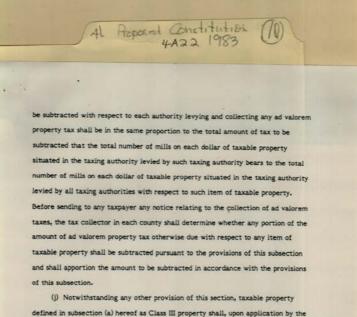
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#### **Types:**

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defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties, and municipalities and property devoted exclusively to religious, educational, cemetery, or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

Section 185. No debt shall be created against, or incurred by, the state, nor

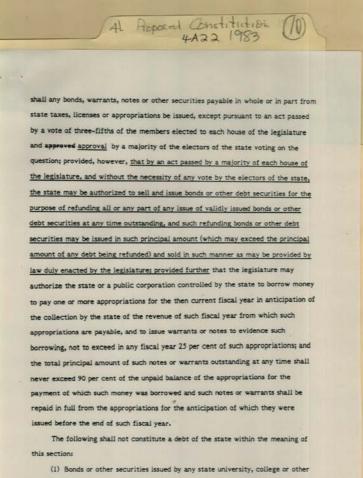
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institution of higher learning, or by the state board of education or other such governing board on behalf of any of the foregoing, if by their terms such bonds or other securities are not made a charge on the general credit or any of the tax revenues of the state or any monies appropriated to such institution by the state, but are made payable solely out of tuition, fees or other revenues (from whatever source) referable to the operation of such institution;

(2) Bonds or other securities issued by or on behalf of the state or any of its institutions instrumentalities if by their terms they do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from the

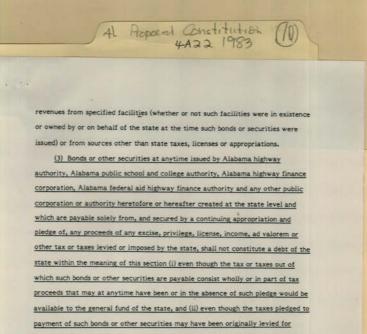
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purposes other than that for which such bonds or other securities are to be issued; any statute authorizing the issuance of bonds or other securities by a public corporation pursuant to the provisions of this paragraph shall require for its passage a vote of two-thirds of the members elected to each house of the legislature.

It shall be unlawful for the comptroller of the state of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by\_ the state of Alabama upon the state treasurer, unless there is in the hand of such treasurer money appropriated an and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for the payment of all proper claims presented to the state comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the state treasurer, provided, however, that the legislature may exempt the payment of the bonded indebtedness of the state and the interest thereon from such proportionate reduction. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the state treasury subject to the payment of the same after the proration above provided for, shall thereupon

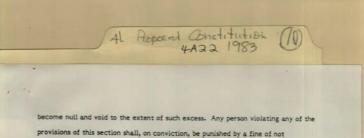
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exceeding five thousand dollars, or by imprisonment in the penientiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this section shall also be ground for impeachment.

Section 186. No county, eity er tewn or municipality shall incur indebtedness in an amount which, when added to then existing indebtedness (including that incurred prior to the effective date of this section) exceeds the following percentages of the assessed value of the property assessed for taxation by such county, eity er tewn, or municipality for the preceding tax year: (1) \$ 10 per cent in the case of a county; and (2) 35 per cent in the case of a eity er tewn municipality. The preceding debt limitation shall not apply to the following obligations:

(a) Obligations for current operating expenses in any fiscal year that mature not later than the last day of such fiscal year, made in anticipation of the collection of taxes, not exceeding 25 per cent of the general revenues received in the preceding fiscal year which were available for such purposes; provided that if such obligations are not paid and retired by the end of the fiscal year in which incurred, they shall thereupon be considered to constitute indebtedness subject to the above limitation;

(b) Obligations to provide funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or drained, served or benefitted by such improvements;

(c) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from distributions of taxes or other revenues by the state to such obligor;

(d) Obligations of a county that by their terms do not constitute a charge on the general credit or tax revenues of the county and obligations of a public corporation designated by the county to acquire, construct, equip, operate and maintain public hospital facilities; provided that such county or corporate obligations are payable solely from taxes now or hereafter levied for hospital or other health purposes or from hospital revenues or both;

(e) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from revenues from

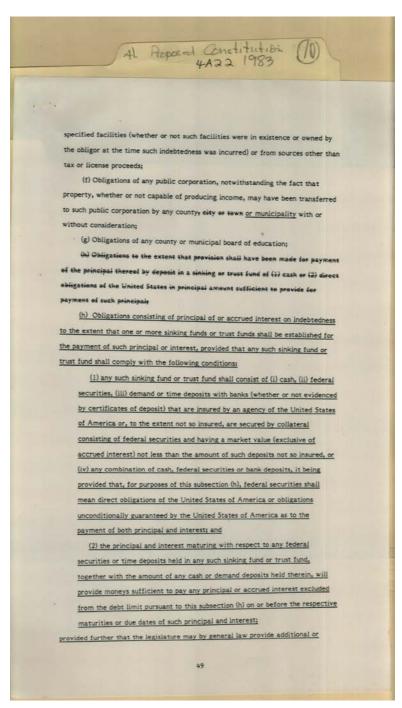
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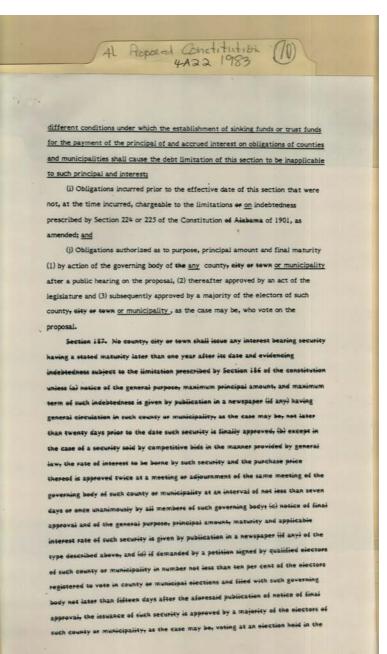


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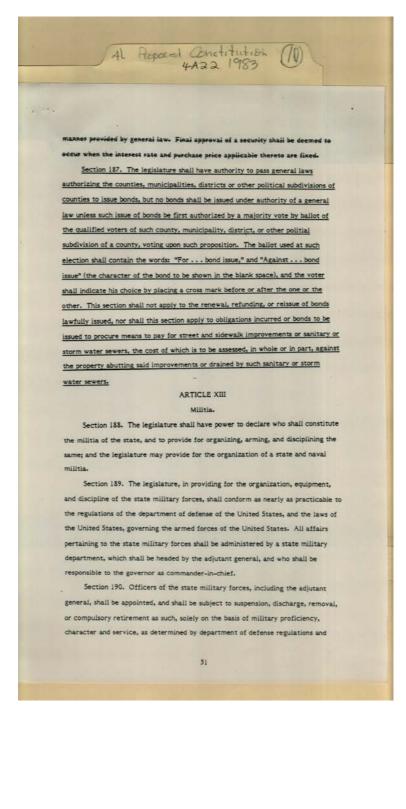
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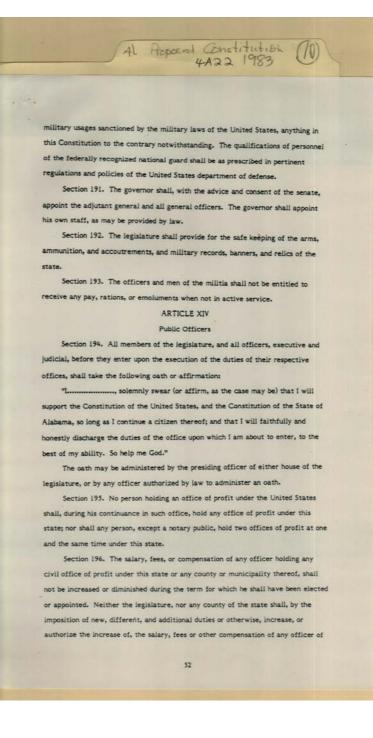


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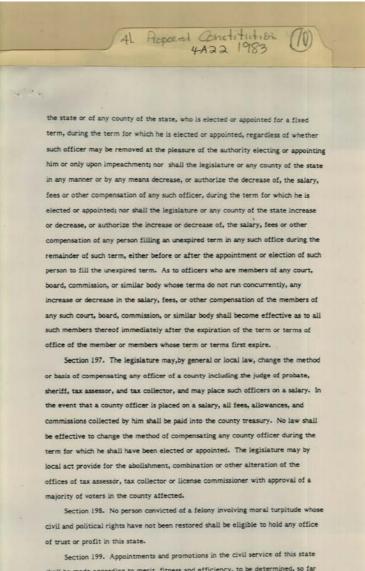


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shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so far as practicable, shall be competitive under such laws as the legislature may enact. It shall be the duty of the legislature to maintain laws necessary to implement, and to provide adequate financial support

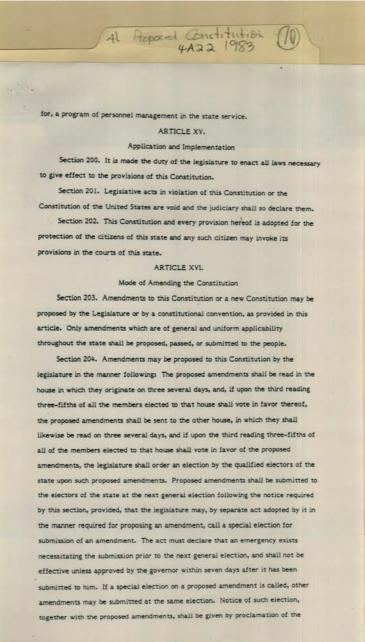
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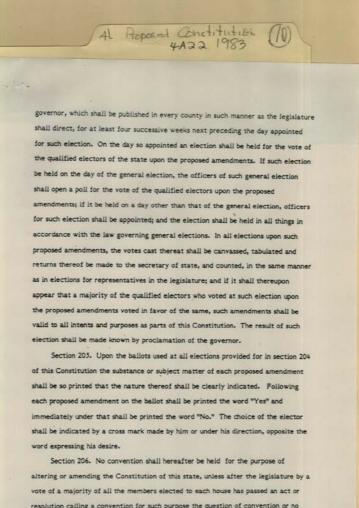
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resolution calling a convention for such purpose the question of convention or no convention shall be first submitted to a vote of all the qualified electors of the state, and approved by a majority of those voting at such election. No act or

resolution of the legislature calling a convention for the purpose of altering or amending the Constitution of this state, shall be repealed except upon the vote of a majority of all the members elected to each house at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly

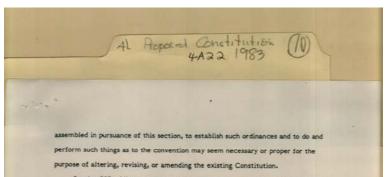
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Section 207. All votes of the legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a convention for the purpose of altering or amending the Constitution of this state, shall be taken by yeas and nays and entered on the journals. No act or resolution of the legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this state, shall be submitted for the approval of the governor, but shall be valid without his approval.

## ARTICLE XVII

#### Continuation and Transition

Section 208. The Constitution of 1901, as amended, shall have no force or effect after the adoption of this Constitution, except as provided elsewhere in this Constitution.

Section 209. All laws in effect when this Constitution is adopted which were valid under the provisions of the Constitution of 1901 and which are not inconsistent with the provisions of this Constitution shall continue in effect until they are amended, repealed or expire by their own limitation.

Section 210. Amendments to the Constitution of 1901 which are not incorporated in the provisions of this Constitution and which are not inconsistent with the provisions of this Constitution, shall continue in effect as general or local laws as defined by this Constitution until amended or repealed-<u>1 provided</u>, in <u>particular</u>, that amendments 3, 202, and 382, have been incorporated in substance <u>into section 160 of this constitution and shall not be separately continued as</u> <u>statutes under this provision</u>.

Section 211. All rights, claims, demands, contracts, titles, proceedings, actions, causes of action, suits, prosecutions, judgments, sentences, orders, decrees, and appeals in existence when this Constitution is adopted that are not inconsistent with the provisions of this Constitution shall continue in effect after the adoption of this Constitution. All indictments for crimes or offenses committed before the adoption of this Constitution shall be proceeded upon pursuant to the provisions of the Constitution of 1901, as amended, as if this

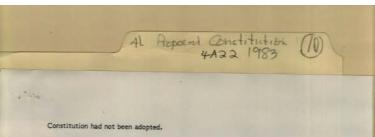
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Section 212. All bonds or obligations that were <u>validly</u> issued or incurred by the State or any public corporation pursuant to the provisions of the Constitution of 1901, as amended, which are not inconsistent with the provisions of this Constitution, shall continue in effect after the adoption of this Constitution. Nothing in this constitution shall be construed to affect the validity of any general obligation indebtedness incurred by any county, city or town prior to the effective date of this section, and all such indebtedness is hereby validated and confirmed except in cases where (I) such indebtedness exceeded, at the time it was incurred, any limitation on indebtedness at that time imposed by the Constitution of Alabama of 1901, as amended, or (2) the validity of such indebtedness is or was adversely adjudicated in any judicial proceeding commenced prior to the effective date of this section.

Section 2:3. All taxes imposed pursuant to the provisions of the Constitution of 1901, as amended, in effect when this Constitution is adopted that are not inconsistent with the provisions of this Constitution shall continue in effect after the adoption of this Constitution.

Section 213. All taxes validly authorized pursuant to the provisions of the Constitution of 1901, as amended, the authorization of which is in effect when this Constitution is adopted, shall continue to be authorized and shall continue in effect after the adoption of this Consitution until altered, repealed or otherwise terminated by law.

Section 214. The officers of the state and all political subdivisions of the state holding office when this Constitution is adopted shall continue in the exercise of their functions and duties under the provisions of this Constitution and the laws of this state applicable to such officers, provided specifically that no provision of this Constitution shall lengthen or shorten the term of any person holding office when this Constitution is adopted.

Section 215. The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1961 shall continue in effect as provided for in that amendment after the adoption of this Constitution as if this Constitution had never been adopted.

Section 215. The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1901 shall continue in effect as provided for in that

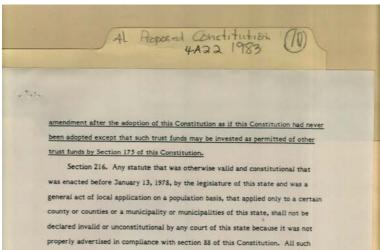
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population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population. The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution."

Section 217. All special incomes and powers of taxation as are authorized by law at the time of the adoption of this constitution for the benefit of public schools in Mobile county shall continue to be authorized and shall continue in effect after the adoption of this constitution until otherwise provided by the legislature, and the adoption of this constitution shall not alter or disturb the existing right of the board of school commissioners of Mobile county to manage and control the 16th section lands in that county or to derive income from those lands.

Section 218. No county or municipality authorized by any amendment to the Constitution of 1901 to incur obligations, payable in whole or in part from taxes, for industrial or commercial development shall incur obligations under such authority later than two years after the adoption of this constitution.

Section 2. An election upon the proposed amendment is ordered to be held at the next special or general election held not less than three months after the final adjournment of the 1983 regular session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election

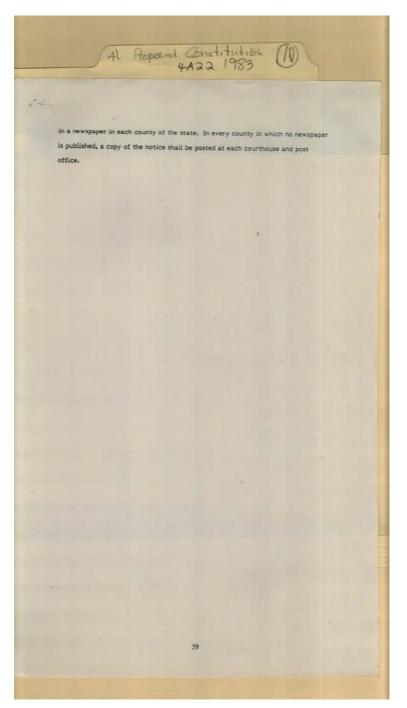
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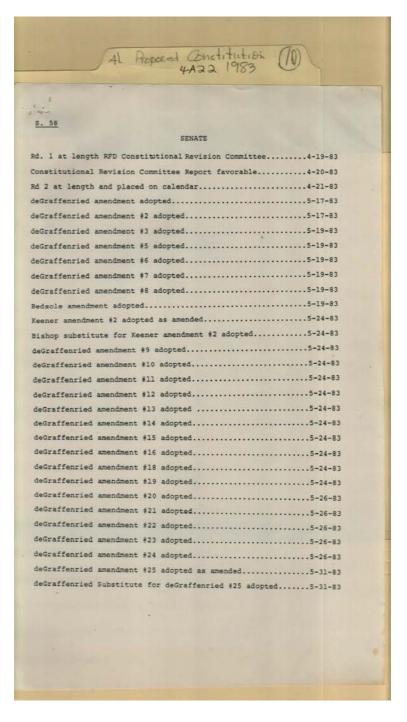


## Names:

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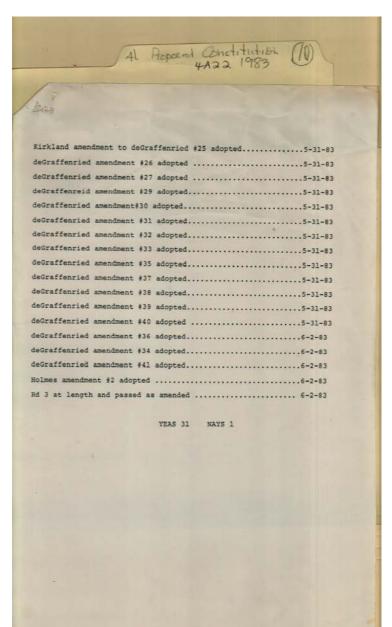
Bedsole, Senator Bishop, Senator

**Types:** 

legislation

Keener, Senator Senate Amendments deGraffenried, Senator Frances Cabaniss Roberts Collection: Series 4, Subseries A, Box 22, Folder 10Proposed Alabama Constitution To Replace 1901 Constitution, 1983Image 59r04a22-10-000-0150ContentsIndexAbout

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## **Types:**

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deGraffenried, Senator

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# **Frances Cabaniss Roberts Collection**

**Preferred Citation:** Frances Cabaniss Roberts Collection, Archives and Special Collections, M. Louis Salmon Library, University of Alabama in Huntsville, Huntsville, AL.

**Collection Scope and Content:** The Collection of 114 Linear ft. includes a total of 156 Archival Boxes. The Frances Cabaniss Roberts collection covers the historical records of the Cabaniss Roberts family. This collection contains extensive correspondence records of the Cabaniss Roberts family circa 1830 to 1930.

# Archives/Special Collections Access Restrictions: None

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