

Chapter XXIII deals with the text of the Constitution and its Amendments; its territorial and personal application; source of the Constitution, and its supremacy; the Declaration of Rights: the territorial limits of Liberia.

Chapter XXIV deals with the acquisition and loss of Liberian nationality, and the rights and disabilities of aliens.

Chapter XXV deals with the organs of government, the general and native laws in force, and certain special topics, with special reference to recent social legislation.

CONSTITUTION OF 1847

Literal Text of the Constitution

The official text of the Constitution of 1847 was first published in March, 1848.¹

The following is a literal reprint, absolutely exact in word, spelling, capitalization and punctuation of the official text:

CONSTITUTION OF THE REPUBLIC OF LIBERIA.

ARTICLE I.

DECLARATION OF RIGHTS.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying in safety and tranquility, their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Therefore, we the People of the Commonwealth of Liberia, in

¹ *Constitution of the Republic of Liberia with the Laws of the Republic, enacted by the Senate and House of Representatives at their First Session, held in Monrovia, January and February, 1848.* Printed at the Herald Office, by Authority, March, 1848, 1-11.

Africa, acknowledging with devout gratitude, the goodness of God, in granting to us the blessings of the christian religion, and political, religious, and civil liberty, do, in order to secure these blessings for ourselves and our posterity, and to establish justice, insure domestic peace, and promote the general welfare, hereby solemnly associate, and constitute ourselves a Free, Sovereign and Independent State, by the name of the REPUBLIC OF LIBERIA, and do ordain and establish this Constitution for the government of the same.

Section 1st. All men are born equally free and independent, and have certain natural, inherent and unalienable rights; among which, are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property and of pursuing and obtaining safety and happiness.

Sec. 2nd. All power is inherent in the people; all free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness require it.

Sec. 3rd. All men have a natural and unalienable right to worship God, according to the dictates of their own consciences, without obstruction or molestation from others: all persons demeaning themselves peaceably, and not obstructing others in their religious worship, are entitled to the protection of law, in the free exercise of their own religion; and no sect of christians shall have exclusive privileges or preference, over any other sect; but all shall be alike tolerated: and no religious test whatever shall be required as a qualification for civil office, or the exercise of any civil right.

Sec. 4th. There shall be no slavery within this Republic. Nor shall any citizen of this Republic, or any person resident therein, deal in slaves, either within or without this Republic, directly or indirectly.

Sec. 5th. The people have a right at all times, in an orderly and peaceable manner, to assemble and consult upon the common good; to instruct their representatives, and to petition the government, or any public functionaries for the redress of grievances.

Sec. 6th. Every person injured shall have remedy therefor, by due course of law; justice shall be done without sole denial or

delay; and in all cases, not arising under marital law, or upon impeachment, the parties shall have a right to a trial by jury, and to be heard in person or by council, or both.

Sec. 7th. No person shall be held to answer for a capital or infamous crime, except in cases of impeachment, cases arising in the army and navy, and petty offences, unless upon presentment by a grand jury; and every person criminally charged, shall have a right to be seasonably furnished with a copy of the charge, to be confronted with the witnesses against him,—to have compulsory process for obtaining witnesses in his favor; and to have a speedy, public and impartial trial by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself; and no person shall for the same offence, be twice put in jeopardy of life or limb.

Sec. 8th. No person shall be deprived of life, liberty, property or privilege, but by judgment of his peers, or the law of the land.

Sec. 9th. No place shall be searched, nor person seized, on a criminal charge or suspicion, unless upon warrant lawfully issued, upon probable cause supported by oath, or solemn affirmation, specially designating the place or person, and the object of the search.

Sec. 10th. Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted. Nor shall the legislature make any law impairing the obligation of contracts; nor any law rendering any act punishable, in any manner in which it was not punishable when it was committed.

Sec. 11th. All elections shall be by ballot and every male citizen, of twenty-one years of age, possessing real estate, shall have the right of suffrage.

Sec. 12th. The people have a right to keep and bear arms for the common defence. And as in time of peace, armies are dangerous to liberty, they ought not to be maintained, without the consent of the legislature; and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

Sec. 13th. Private property shall not be taken for public use without just compensation.

Sec. 14th. The powers of this government shall be divided into three distinct departments: Legislative, Executive, and Judi-

cial; and no person belonging to one of these departments, shall exercise any of the powers belonging to either of the others. This section is not to be construed to include Justices of the Peace.

Sec. 15th. The liberty of the press is essential to the security of freedom in a state; it ought not, therefore, to be restrained in this republic.

The printing press shall be free to every person, who undertakes to examine the proceedings of the legislature, or any branch of government; and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man, and every citizen may freely speak, write and print, on any subject, being responsible for the abuse of that liberty.

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

Sec. 16th. No subsidy charge, impost, or duties ought to be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Sec. 17th. Suits may be brought against the Republic in such manner, and in such cases as the legislature may, by law direct.

Sec. 18th. No person can, in any case, be subjected to the law martial, or to any penalties or pains by virtue of that law, (except those employed in the army or navy, and except the militia in actual service,) but by the authority of the legislature.

Sec. 19th. In order to prevent those who are vested with authority, from becoming oppressors, the people have a right at such periods, and in such manner, as they shall establish by their frame of government;—to cause their public officers to return to private life, and to fill up vacant places, by certain and regular elections and appointments.

Sec. 20th. That all prisoners shall beailable by sufficient sureties, unless, for capital offences, when the proof is evident, or presumption great: and the privilege and benefit of the

writ of *habeas corpus*, shall be enjoyed in this Republic, in the most free, easy, cheap, expeditious and ample manuer: and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

ARTICLE III.*

LEGISLATIVE POWERS.

Section 1st. The Legislative power shall be vested in a Legislature of Liberia, and shall consist of two separate branches. A House of Representatives and a Senate, to be styled the Legislature of Liberia; each of which shall have a negative on the other, and the enacting style of their acts and laws, shall be, "It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled."

Sec. 2nd. The representatives shall be elected by, and for the inhabitants of the several counties of Liberia, and shall be apportioned among the several counties of Liberia as follows:—The County of Montserrado shall have four representatives, the County of Grand Bassa shall have three, and the County of Sinoe shall have one; and all counties that shall hereafter be admitted in the Republic shall have one representative; and for every ten thousand inhabitants one representative shall be added. No person shall be a representative who has not resided in the county two whole years immediately previous to his election and who shall not when elected, be an inhabitant of the county, and does not own real estate of not less value than one hundred and fifty dollars, in the county in which he resides; and who shall not have attained the age of twenty-three years. The representatives shall be elected biennially, and shall serve two years from the time of their election.

Sec. 3rd. When a vacancy occurs in the representation of any county by death, resignation, or otherwise, it shall be filled by a new election.

Sec. 4th. The House of Representatives shall elect their own Speaker and other officers; they shall also have the sole power of impeachment

* *Sic*, obviously Article II.

Sec. 5th. The Senate shall consist of two members from Montserrado County, two from Bassa County, two from Sinoe County, and two from each county which may be hereafter incorporated into this Republic. No person shall be a Senator, who shall not have resided three whole years immediately previous to his election in the Republic of Liberia, and who shall not when elected, be an inhabitant of the county which he represents, and who does not own real estate of not less value than two hundred dollars in the county which he represents, and who shall not have attained the age of twenty-five years. The Senator for each county who shall have the highest number of votes shall retain his seat four years, and the one who shall have the next highest number of votes, two years; and all who are afterwards elected to fill their seats, shall remain in office four years

Sec. 6th. The Senate shall try all impeachments; the Senators being first sworn or solemnly affirmed to try the same impartially, and according to law; and no person shall be convicted but by the concurrence of two thirds of the Senators present. Judgment in such cases shall not extend beyond removal from office, and disqualification to hold an office in the Republic: but the party may be tried at law for the same offence.

When either the President or Vice President is to be tried, the Chief Justice shall preside.

Sec. 7th. It shall be the duty of the Legislature, as soon as conveniently may be, after the adoption of this constitution, and once at least in every ten years afterwards, to cause a true census to be taken of each town, and county of the Republic of Liberia, and a representative shall be allowed every town, having a population of ten thousand inhabitants, and for every additional ten thousand in the counties after the first census, one representative shall be added to that county, until the number of representatives shall amount to thirty; afterwards one representative shall be added for every thirty thousand.

Sec. 8th. Each branch of the Legislature shall be judge of the election returns and qualifications of its own members. A majority of each shall be necessary to transact business, but a less number may adjourn from day to day and compel the attendance of absent members. Each house may adopt its own rules of proceedings, enforce order, and with the concurrence of two thirds, may expel a member.

Sec. 9th. Neither house shall adjourn for more than two days without the consent of the other; and both houses shall always sit in the same town.

Sec. 10th. Every bill or resolution which shall have passed both branches of the Legislature, shall before it becomes a law, be laid before the President for his approval, if he approves, he shall sign it, if not, he shall return it to the Legislature with his objections—if the Legislature shall afterwards pass the bill or resolution by a vote of two thirds in each branch, it shall become a law. If the President shall neglect to return such bill or resolution to the Legislature with his objections for five days after the same shall have been so laid before him—the Legislature remaining in session during that time, such neglect shall be equivalent to his signature

Sec. 11th. The Senators and Representatives shall receive from the Republic a compensation for their services to be ascertained by law; and shall be privileged from arrest except for treason, felony or breach of the peace, while attending at, going to, or returning from the session of the Legislature.

ARTICLE III.

EXECUTIVE POWER

Section 1st. The Supreme Executive Power shall be vested in a President, who shall be elected by the people, and shall hold his office for the term of Two Years. He shall be Commander-in-Chief of the army and navy. He shall in the recess of the Legislature, have power to call out the Militia or any portion thereof, into actual service in defence of the Republic. He shall have power to make treaties, provided the Senate concur therein, by a vote of two thirds of the senators present. He shall nominate, and with the advice and consent of the senate, appoint and commission Ambassadors, and other public Ministers and Consuls, Secretaries of State, of War, of the Navy, and of the Treasury, Attorney General, all Judges of Courts, Sheriffs, Coroners, Marshalls, Justices of the Peace, Clerks of Courts, Registers, Notaries Public, and all other officers of State civil and military, whose appointment may not be otherwise provided for by the Constitution, or by standing laws. And in the recess of the senate, he may fill any vacancies in those offices, until the next session of the senate. He shall receive all ambassadors and other public

ministers. He shall take care that the laws be faithfully executed:—he shall inform the Legislature from time to time, of the condition of the Republic, and recommend any public measures for their adoption, which he may think expedient. He may after conviction, remit any public forfeitures and penalties, and grant reprieves and pardons for public offences, except in cases of impeachment. He may require information and advice from any public officer, touching matters pertaining to his office. He may on extraordinary occasions, convene the Legislature, and may adjourn the two houses whenever they cannot agree as to the time of adjournment.

Sec. 2nd. There shall be a Vice President who shall be elected in the same manner, and for the same term as that of the President, and whose qualifications shall be the same: He shall be President of the Senate, and give the casting vote when the house is equally divided on any subject. And in case of the removal of the President from office, or his death, resignation, or inability to discharge the powers and duties of the said office; the same shall devolve on the Vice President; and the Legislature may by law provide for the cases of removal, death, resignation or inability, both of the President, and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Sec. 3rd. The Secretary of State shall keep the records of the State, and all the records and papers of the Legislative body, and all other public records and documents, not belonging to any other department, and shall lay the same when required, before the President or Legislature. He shall attend upon them when required and perform such other duties as may be enjoined by law.

Sec. 4th. The Secretary of the Treasury or other persons who may by law, be charged with the custody of the public monies, shall before he receive such monies, give bonds to the State with sufficient sureties, to the acceptance of the Legislature, for the faithful discharge of his trust. He shall exhibit a true account of such monies when required by the President or Legislature, and no monies shall be drawn from the Treasury, but by warrant from the President, in consequence of appropriation made by law.

Sec. 5th All Ambassadors and other public Ministers, and Consuls, the Secretary of State, of War, of the Treasury and of

the Navy, the Attorney General, and Post Master General, shall hold their offices during the pleasure of the President. A justices of peace, sheriffs, coroners, marshalls, clerks of courts, registers, and notaries public, shall hold their offices for the term of two years from the date of their respective commissions; but may be removed from office within that time by the President, at his pleasure: and all other officers whose term of office may not be otherwise limited by law, shall hold their offices during the pleasure of the President.

Sec. 6th. Every civil officer may be removed from office by impeachment, for official misconduct. Every such officer may also be removed by the President, upon the address of both branches of the Legislature, stating their particular reason for his removal.

Sec. 7th No person shall be eligible to the office of President, who has not been a citizen of this Republic for at least five years; and who shall not have attained the age of thirty five years; and who is not possessed of unincumbered real estate, of the value of six hundred dollars.

See 8th The President shall at stated times receive for his services, a compensation which shall neither be increased nor diminished during the period for which he shall have been elected: And before he enters on the execution of his office, he shall take the following oath or affirmation.

I do solemnly swear, (or affirm) hat I will faithfully execute the office of President of the Republic of Liberia, and will to the best of my ability preserve, protect and defend the constitution, and enforce the laws of the Republic of Liberia.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 1st. The Judicial power of this Republic shall be vested in one Supreme Court, and such subordinate courts as the Legislature may from time to time establish The Judges of the Supreme Court, and all other Judges of Courts, shall hold their office during good behaviour; but may be removed by the President on the address of two thirds of both houses for that purpose, or by impeachment and conviction thereon. The Judges shall have salaries established by law, which may be increased, but not dimin-

ished during their continuance in office. They shall not receive any other perquisites or emoluments whatever from parties or others, on account of any duty required of them.

Sec. 2nd. The Supreme Court shall have original jurisdiction in all cases affecting ambassadors, or other public ministers and consuls, and those to which a County shall be a party. In all other cases the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Legislature shall from time to time make.

ARTICLE V.

MISCELLANEOUS PROVISIONS.

Section 1st. All laws now in force in the Commonwealth of Liberia and not repugnant to this constitutor, shall be in force as the laws of the Republic of Liberia, until they shall be repealed by the Legislature.

Sec. 2nd. All judges, magistrates, and other officers now concerned in the administratoin of justice, in the emmonwelth of Liberia, and all other existing civil and military officers therein, shall continue to hold and discharge the duties of their respective offices, in the name and authority of the Republic, until others shall be appointed and commissioned in their stead, pursuant to this Constitution.

Sec. 3rd. All towns and municipal corporations within the Republic, constituted under the laws of the Commonwealth of Liberia, shall retain their existing organizations and privileges, and the respective officers thereof shall remain in office, and act under the authority of this Republic, in the same manner and with the like powers as they now possess under the laws of said Commonwealth.

Sec. 4th. The first election of President, Vice President, Senators and Representatives, shall be held on the first Tuesday in October in the Year of our Lord, Eighteen Hundred and Forty Seven, in the same manner as election of members of the Council are held in the Ccommonwealth of Liberia and the votes shall be certified and returned to the Colonial Secretary, and the result of the electoun shall be ascertained, posted and notified by

him, as is now by law provided, in case of such members of Council.

Sec. 5th. All other elections of President, Vice President Senator and Representatives, shall be held in the respective towns on the first Tuesday in May in every two years to be held and regulated in such manner as the Legislature may by law prescribe. The returns of votes shall be made to the Secretary of State, who shall open the same, and forthwith issue notices of the election to the persons apparently so elected, Senators and Representatives: and all such returns shall be by him laid before the Legislature at its next ensuing session, together with a list of the names of the persons who appear by such returns, to have been duly elected Senators and Representatives; and the persons appearing by said returns to be duly elected, shall proceed to organize themselves accordingly as the Senate and House of Representatives. The votes for President shall be sorted, counted and declared by the House of Representatives. And if no person shall appear to have a majority of such votes the Senators and Representatives present, shall in Convention by joint ballot, elect from among the persons having the three highest number of votes, a person to act as President for the ensuing term.

Sec. 6. The Legislature shall assemble once at least in every year, and such meeting shall be on the first Monday in January unless a different day shall be appointed by law.

Sec. 7th. Every Legislator and other officer appointed under this constitution shall before he enters upon the duties of his office, take and subscribe a solemn oath or affirmation to support the Constitution of this Republic, and faithfully and impartially discharge the duties of such office. The presiding officer of the Senate shall administer such oath or affirmation to the President, in Convention of both houses, and the President shall administer the same to the Vice President, to the Senators, and to the Representatives in like manner. When the President is unable to attend, the Chief Justice of the Supreme Court may administer the oath or affirmation to him at any place, and also to the Vice President, Senators and Representatives, in Convention. Other officers may take such oath or affirmation before the President, Chief Justice, or any other person who may be designated by law.

Sec. 8th All elections of public officers shall be made by a

majority of the votes, except in cases otherwise regulated by the Constitution or by law.

Sec. 9th. Offices created by this Constitution which the present circumstances of the Republic do not require that they shall be filled, shall not be filled until the Legislature shall deem it necessary.

Sec. 10th The property of which a woman may be possessed at the time of her marriage, and also that of which she may afterwards become possessed, otherwise than by her husband, shall not be held responsible for his debts; whether contracted before or after marriage.

Nor shall the property thus intended to be secured to the woman be alienated otherwise than by her free and voluntary consent, and such alienation may be made by her either by sale devise or otherwise.

Sec. 11th. In all cases in which estates are insolvent, the widow shall be entitled to one third of the real estate during her natural life, and to one third of the personal estate, which she shall hold in her own right subject to alienation by her, by devise or otherwise.

Sec 12th. No person shall be entitled to hold real estate in this Republic, unless he be a citizen of the same. Nevertheless this article shall not be construed to apply to Colonization, Missionary, Educational, or other benevolent institutions, so long as the property or estate is applied to its legitimate purposes.

Sec. 13th. The great object of forming these Colonies, being to provide a home for the dispersed and oppressed children of Africa, and to regenerate and enlighten this benighted continent, None but persons of color shall be admitted to citizenship in this Republic

Sec. 14th. The purchase of any land by any citizen or citizens from the aborigines of this country for his or their own use, or for the benefit of others, or estate or estates in free simple, shall be considered null and void to all intents and purpose.

Sec. 15th. The improvement of the native tribes and their advancement in the arts of agriculture and husbandry, being a cherished object of this government, it shall be the duty of the President to appoint in each county some discreet person whose duty it shall be to make regular and periodical tours through the

country for the purpose of calling the attention of the natives to these wholesome branches of industry, and of instructing them in the same, and the Legislature shall, as soon as it can conveniently be done, make provisions for these purposes by the appropriation of money.

Sec. 16th. The existing regulations of the American Colonization Society, in the Commonwealth, relative to emigrants, shall remain the same in the Republic, until regulated by compact between the Society and the Republic; nevertheless, the Legislature shall make no law prohibiting migration. And it shall be among the first duties of the Legislature, to take measures to arrange the future relations between the American Colonization Society and this Republic.

Sec. 17th. This constitution may be altered whenever two thirds of both branches of the Legislature shall deem it necessary. In which case the alterations or amendments, shall first be considered and approved by the Legislature, by the concurrence of two thirds of the members of each branch, and afterwards by them submitted to the people, and adopted by two thirds of all the electors at the next biennial meeting for the election of Senators and Representatives

Done in CONVENTION, at Monrovia, in the County of Montserrado, by the unanimous consent of the people of the Commonwealth of Liberia, this twenty-sixth day of July in the Year of Our Lord One Thousand Eight Hundred Forty-seven, and of the REPUBLIC the First. In witness whereof we have hereto set our names.

Montserrado County.

S. BENEDICT, *President.*
J N. LEWIS,
H TEAGE,
BEVERLY R WILSON,
ELIJAH JOHNSON,
J. B GRIPON.

Grand Bassa County.

JOHN DAY,
A. W. GARDINER,
AMOS HERRING,
EPHRAIM TITLER.

County of Sinoe.

R. E. MURRAY.
JACOB W. PROUT.

Secretary of Convention.

Monrovia, July 29 1847.

[Ed. The official text of the Amendments to the Constitution is set out in the Section on Amendments.]