

**Art. 17.** That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made; nor any retrospective oath or restriction be imposed, or required.

**Art. 18.** That no Law to attain particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.

**Art. 19.** That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

**Art. 20.** That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

**Art. 21.** That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or charge, in due time (if required) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

**Art. 22.** That no man ought to be compelled to give evidence against himself in a criminal case.

**Art. 23.<sup>4</sup>** In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction.

The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of five hundred dollars, shall be inviolably preserved.

**Art. 24.<sup>5</sup>** That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

**Art. 25.** That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted, by the Courts of Law.

**Art. 26.** That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

**Art. 27.** That no conviction shall work corruption of blood or forfeiture of estate.

**Art. 28.** That a well regulated Militia is the proper and natural defence of a free Government.

**Art. 29.** That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

**Art. 30.** That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.

**Art. 31.** That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by Law.

**Art. 32.** That no person except regular soldiers, marines, and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to, or punishable by Martial Law.

**Art. 33.** That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People: Wherefore, the Judges shall not be removed, except in the manner, and for the causes provided in this Constitution. No Judge shall hold any other office, civil, or military or political trust, or employment of any kind, whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.

**Art. 34.<sup>6</sup>** That a long continuance in the Executive Departments of power or trust is dangerous to liberty; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

**Art. 35.<sup>7</sup>** That no person shall hold, at the same time, more than one office of profit, created by the Constitution or Laws of this State; nor shall any person in public trust receive any present from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State. The position of Notary Public shall not be considered an office of profit within the meaning of this Article.

**Art. 36.<sup>8</sup>** That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion, or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain, any place of worship, or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor either in this world or in the world to come.

Nothing shall prohibit or require the making reference to belief in, reliance upon, or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place.

Nothing in this article shall constitute an establishment of religion.

**Art. 37.** That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

**Art. 38.<sup>9</sup>** Vacant.

**Art. 39.** That the manner of administering an oath or affirmation to any person, ought to be such as those of the religious persuasion, profession, or denomination, of which he is a

<sup>4</sup> Amended by Chapter 407, Acts of 1949, ratified Nov. 7, 1950; Chapter 789, Acts of 1969, ratified Nov. 3, 1970. Transferred from Article XV, secs. 5 and 6, by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>5</sup> Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>6</sup> Amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.

<sup>7</sup> Amended by Chapter 129, Acts of 1964, ratified Nov. 8, 1964.

<sup>8</sup> Amended by Chapter 558, Acts of 1970, ratified Nov. 3, 1970.

<sup>9</sup> Amended by Chapter 623, Acts of 1947, ratified Nov. 2, 1948. Repealed by Chapter 681, Acts of 1977, ratified Nov. 7, 1978.