THE CONSTITUTION
OF THE
STATE OF TEXAS,
AS AMENDED IN 1861.

THE CONSTITUTION OF
THE CONFEDERATE STATES
OF AMERICA.

THE ORDINANCES
OF THE
TEXAS CONVENTION:

AND
AN ADDRESS TO THE PEOPLE OF TEXAS.

PRINTED BY ORDER OF THE CONVENTION AND THE SENATE.

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ADDRESS

TO THE

PEOPLE OF TEXAS:

AUSTIN, March 30th, 1861.

Fellow Citizens: The undersigned are a committee of the Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an address to the people, for general information.

The political crisis arose from an irreconcilable diversity of opinion between the Northern and Southern portions of the United States of America, as to relative rights. Separation of Southern States from Northern States was the leading object of the popular movement, with a view to a consequent confederacy of seceded States, as the best means, if not the only mode, of securing essential and inalienable rights. In this State, the public mind was exercised by the question of our final separation from all other States; but the idea of such a result had no favor; and the apprehension of it was used as an argument against secession, while the objection was met by the assured policy of a seceded confederacy. Hence, with rare exceptions, the advocates and opponents of immediate and separate secession of this State, commenced and prosecuted the canvass, differing on the leading proposition of secession, but uniting in opinion, that consumated secession should result in confederation, as an incident. So the decisive issue was on secession.

Early in the canvass, public sentiment was entitled to prompt facility for its authoritative expression; and a call of the Legislature was earnestly claimed as the ordinary means. It is needless to recite any of the known particulars of Executive opposi-
ordinary government; and a Committee of Safety was constituted with adequate powers to provide means and to control the U. S. military force, with its incidents, within this State, and to substitude indispensable temporary protection. Further, to secure the public safety, and to obtain other inestimable advantages from immediate connection with the States which had finally seceded and were then in convention at Montgomery, Alabama, delegates to that convention were elected—to be advisory, as to interests of this State, until the consummation of its separation, and then to participate on terms of equality in administration of a provisional government, and in preparation of a Constitution for a permanent confederacy. Moreover, to promote security, and other manifest benefits from the contemplated confederacy, commissioners were delegated to Arizona and New Mexico, to procure their cooperation; and other commissioners were sent to the Choctaw, Chickasaw, Creek and Cherokee nations, to aid in preparing them for alliance with such confederacy. Also, other corresponding measures, of minor importance, were adopted. Having made such arrangements for parts of the great popular enterprise, the Convention adjourned on the fifth of February, to meet again on the second of March, as a continued agency, to execute the public will.

On the day for ratification or rejection of the Ordinance for separation the whole subject was before the voters: The state of the general crisis; what the Convention itself had done; what its Committee of Safety was doing during the recess; what commissioners were to do; and what was the incipient relation and prospect of permanent connection of this State with the Confederacy. The Convention acted, and proposed to act, as the authorised agent of the people, and they had an opportunity to affirm or disaffirm such agency, by ratifying or rejecting its principal act. The result of the election on the Secession Ordinance shows more than three in favor of it to one against it, and an aggregate of over sixty thousand votes,—some additions to the regular announcements being made by subsequent official returns,—and the returns of one hundred and twenty counties being included; while only three small counties are not included, of all that have been organized.

The Convention re-assembled on the second of March, and soon found that the election had re-indorsed it as the public agency for the political reformation which was in progress.

During the recess the Committee of Safety, by its agents, with the spontaneous and patriotic co-operation of citizen soldiers, had made arrangements for removing from Texas, by the
safe, coast-route, the whole military force within Texas, pertaining to the Union, and for the surrender of all property and possessions, (with small, honorary, exceptions,) held in Texas by the federal government. The execution of such arrangements has progressed nearly to completion, and so as to leave no doubt of full accomplishment at an early date, without any violent collision; although the just apprehension of it caused indispensable preparation. The troops thus called into the field, and some others, have supplied the place of those sent away, as well as circumstances would allow, and will continue to do so until superseded by regular forces. Details of the proceedings of the Committee of Safety cannot be here admitted; but they are otherwise published: and they do honor to the Committee and their agents, while sustaining the Convention for constituting such power as a temporary necessity.

The Convention found that the Constitution for the Provisional Government of the Confederacy was well adapted to the emergency, without departing from any essential principle of the Union Constitution; and the measures of the Provisional Government appeared to be well adapted to circumstances. The selection of persons for the Presidency and Vice-Presidency seemed to be entirely appropriate. The Convention had no hesitation in expressing a formal approval of the Constitution and administration of the Provisional Government, which was not to continue longer than one year, and was to be superseded within that time by a permanent government.

It would be out of place, here, to state what the Provisional Government has done, unless in connection with some action of the Convention. But it is proper to say, that the measures of that government have, superseded the action of this State on postal affairs, and on revenue by customs. Under that temporary government, also, the judicial jurisdiction is similar to that of the federal government, but with one judge to each State. As to military and naval affairs, the Provisional Government has provided, so that the Convention did not deem its action necessary, except as before stated, and to raise one regiment of mounted volunteers, to serve twelve months, unless sooner discharged. That government is raising in Texas another similar regiment, and will doubtless accept the former. A law of the last session of the present Legislature provided another mode of defence, by small companies of citizens, as Minute Men, along the whole line of frontier, from the Rio Grande to Red River. All these forces are considered more available for protection.
against Indians, and other marauders, than any previous forces in Texas since its annexation to the Union Government. But there is a deficiency in artillery, infantry, and engineering forces, for which the Provisional Government is making provision. So there is a better prospect and assurance of protection than has been heretofore given with reference to the interior frontier; and the change of circumstances must superinduce better preparation for defence along the coast. Moreover, the Legislature is in session, and has power to provide further against insurrection or invasion, if occasion should require.

Secession from the Union and connection with the Confederacy caused a necessity for a change in the State Constitution, so that the oath of office should have “The Confederate States of America” substituted for “The United States of America.” One Ordinance made this change; and another prescribed the times and modes for taking the oath by all present and future officers of the State, declaring a vacancy in case of any failure to take the oath as required. The manner of requirement followed the examples of other States, where willing officials were not captious. The Lieutenant-Governor, Commissioner of the General Land Office, (who was opposed to secession,) Comptroller, State Treasurer, Attorney General, all of the Supreme and District Judges who were in Austin, every member of the State Senate, every member of the House of Representatives, except one, and many county officers, who were in Austin, promptly took the oath, prescribed by the amended Constitution. Of those who thus took the oath, a considerable proportion had opposed secession. But, the Governor and Secretary of State declined to take the oath when notified according to the ordinance therefor. Thereupon the Convention, by another ordinance, declared as consequences, that each office was vacant, and that the Executive powers devolved on the Lieutenant-Governor. The original State Constitution provided, that the Lieutenant-Governor should so act in case of any vacancy in the office of Governor. And so the Lieutenant-Governor is performing the Executive duties without consent, but without resistance, by the late Governor, who still claims to be legally in office. In this and other instances he has “sought out many inventions” to array the functionaries of the State government against the Convention, which has been obliged to control such official opposition, in pursuing the even tenor of the way to render effectual the known public desire for thorough work, to give early security, peace, and quietude. The will of the late Governor has been against that of the people as to their political destiny; and the one or the other had to yield. The people could not.
At length the "Constitution of the Confederate States of America," for the permanent government, was received. The Convention had previously declared, in its ordinance directing the delegates from this State to participate in forming such a Constitution, that it should "not become obligatory on this State till approved by the people in such way as should be determined upon." That the people might approve by the existing Convention, or that it might provide for another popular election, remained for determination on the arrival of the Constitution. Had it contained any unexpected principle, so as to make a new case in substance, on which the public mind had not been ascertained, the importance of prompt ratification could have yielded to the paramount necessity for another election. But, no such necessity appeared in any part of the Constitution, which did not depart from the general expectation, unless it did so in the excellence of its conformity with the best hope of the people. Former elections, with attending circumstances, left no doubt of the public wish and the corresponding authority of the Convention for immediate and final ratification of the Constitution. If the power existed, the expediency of such a course was commanding, for various reasons. The people could not desire to be troubled by another general election without necessity, and they felt the importance of early relief from strife within this State as to its political position. Prompt certainty, of course, would justify the Confederate government in adopting more expensive, effective, and permanent measures for the defence of this State, especially its desolated frontier, than could be expected before a finality. In connection with the defence of Texas, the appearance of uncertainty, as to its political position, would embarrass the pending arrangements for an alliance between the Confederacy, as one party, and the Choctaw, Chickasaw, Creek, and Cherokee nations, in concert, as the other party. Such hesitation, on the part of Texas, would tend to produce similar hesitation in Arizona and New Mexico, as to their connection with the Confederacy. Such procrastination would operate unfavorably on the neighboring government and people of Mexico, as to desirable negotiations and intercourse. Any appearance of doubt, that Texas was to be sustained by connection with the Confederacy would stimulate marauding and incendiary efforts, while it would be fuel for faction. During such suspense the postal arrangements for Texas would be embarrassed and retarded; and so as to the judiciary and the revenue. Delay would prostrate trade and commerce. A final connection of this State with the Confederacy, without delay, would give it additional
strength, and promote early success in its negotiations as to peace with the old government—as to the procurement of money—as to recognition by other nations—and as to commercial relations. Moreover, the prompt and permanent connection of Texas with the Confederacy could not fail to have a favorable influence on the border States, as inducement for them to abandon their equivocal positions and connect themselves with their more Southern sisters and natural associations. A like influence would materially affect immigration from those States, conducing to the advantage of the immigrants and to the growth of this State. In view of such considerations, the Convention promptly and finally, on the twenty-third of March, ratified, accepted, and adopted the Constitution, by a vote of one hundred and twenty-eight affirmatives, to two negatives. A copy of this guaranty for our future liberty is annexed to this address, as a part of it, so that the public may have a connected view of the progress and result of the recent wonderful political enterprise of the people of this State.

The people will see that the Constitution of the Confederate States of America is copied almost entirely from the Constitution of the United States. The few changes made are admitted by all to be improvements. Let every man compare the new with the old and see for himself that we still cling to the old Constitution made by our fathers.

But, the Connection of Texas with the Confederacy involved a necessity for modifications of our State Constitution, so that is should be in conformity with our new relation, and another consequent necessity required, that the Legislature should have some extension of power to raise funds within bounds and on terms, that would be safe and beneficial for the State. Such modifications were made. The Convention realized, that other changes of the State Constitution were desirable; but, its amendments were confined to particulars, which were considered to be necessary parts of the great political change.

Many other interesting incidents might be stated; but they would cause this address to be tedious; and the foregoing outline may enable the people to take a connected and orderly view of the subsistence of proceedings, by which there has been accomplished a political reformation which has no parallel, considering the opposing circumstances and the triumphant successes. The people of Texas have asserted their sovereignty. They have dissolved their connection with a government whose administrative power had been augmented and directed so that it would procure their ruin. They have connected themselves with another
government whose foundations give the most hopeful assurance of permanent constitutional liberty. By two general elections and two meetings of the Convention, in a State of vast area, within seventy-eight days, the whole change of government has been completed. The popular demonstrations have overcome thousands of the regular army of the old government and an opposing minority of citizens, without bloodshed. Every citizen, if he will, may look with patriotic pride on the consummated reformation whose progress caused no vital interruption in public or private business, and whose result is an assurance of the best security and enjoyment which human government can afford. When permanently successful, such a remodeling of government, embracing our complicated system of reserved State Rights and delegated Confederate authority, may give a better guarantee than all history, that our people at least, are capable of instituting and maintaining free government.

The Convention having finished its work in harmony with the Legislature, confides in that body and the present Executive and the Judiciary, to conduct the State government according to the will and interests of their constituents.

The Convention congratulates the people on the prompt and thorough accomplishment of their wishes. But some citizens are not satisfied: a large proportion of those who did not favor Secession, have subsequently acquiesced, and many of them have become identified with it by candid co-operation. But, in various parts of the State, there are some persons who continue pertinacious in their opposition. It is not the province of this address to comment on their conduct. Their rights as citizens, are not questioned; but their duties are equally unquestionable; and it is proper merely to state their position. Their platform denounces the Convention as an usurpation, and tolerates it only as a partial instrument of the Legislature in submitting the Ordinance for Secession to a popular election, and declares all its other acts to be without authority and void, notwithstanding 46,000 voters endorsed it. Their platform assumes the superiority of the ordinary government over the sovereignty of the people as represented by the Convention, and repudiates its acts with singular inconsistency, inasmuch as the Legislature itself in various modes, has recognized and approved the Convention, and co-operated with it, as a lawful representation of the people; even asking and obtaining from it, for the public good, a certain extension of Legislative power. Their platform claims a pretended right to use force against the Convention and its acts; but, for the present defers the exercise of such monstrous
power. Time must show whether it is to be asserted by vio-
lent action, under other circumstances. Their platform appeals
to the people against the alleged usurpations, by encouraging
re-action and disorganization, thereby encouraging discord and
strife; to which ends, among other means, it stimulates jealousies
and hostilities among various classes of the community.

In any practical view of the great crisis, there are but two posi-
tions for citizens to take—either with the combined policy of
separation from the old Union and connection with the Confeder-
ate States, or with the contrary. The former is an existing
reality; the latter is in opposition to the constituted authority
and the public will of Texas. Minor considerations of form
must yield to substance. The sovereign will of the people must
be sustained. The Convention would fain hope for speedy and
universal harmony in devoted patriotism.

The coming elections of this year, for both State and Confed-
erate officers, will deserve peculiar attention by the people, so
that they may have the best possible guarantees for accomplish-
ing the great objects of our political reformation.

It has not been deemed necessary to speak particularly of the
question of peace or war. The Convention acted with a view to
either alternative.

The people will be gratified to know that the members of the
Convention have acted with such mutual courtesy, that there
has not been a single instance of personality in its deliberations.

Having finished its business about noon of the 25th March,
the Convention, in an orderly manner, adjourned sine die. Its
proceedings affecting military movements were necessarily secret
for the moment, but the injunction of secrecy was removed almost
immediately, and the world knows now every transaction. The
Convention will be tried by its works, and it feels no apprehen-
sion of the freemen of Texas. Invoking the blessings of Heaven
on whatever has been properly done by the Convention, its mem-
ers, except the few who have been called to public stations in
the Confederacy, return to their ordinary pursuits in society,
to share, for weal or woe, what has been done, in common with
their fellow-citizens.

For the Convention, by its committee,
PRYOR LEA, of Goliad,
JOHN HENRY BROWN, of Bell,
JOHN D. STELL, of Leon.
CONSTITUTION
OF
THE STATE OF TEXAS.

PREAMBLE

We, the people of the State of Texas, acknowledging, with gratitude, the grace of God, in permitting us to make choice of our form of government, do ordain and establish this Constitution:

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of Liberty and Free Government may be recognized and established, we declare, that—

[“Section 1. All political power is inherent in the people, and all free governments are founded on their authority, and institu—

Note.—The Convention having ordered the address of the committee, (Messrs. Lea, Brown and Stell,) together with the Constitution of the Confederate States of America, to be printed, under the supervision of the undersigned, after the adjournment of that body, the State Senate subsequently directed that the Ordinances of the Convention and the State Constitution, as amended, should be printed therewith, under the like supervision. I have, therefore, inserted in brackets, [“ ”] all the amendments at their appropriate places, and omitted, as obsolete, those sections incidental merely to the transition of government in 1845–6.

John Henry Brown,
Chairman Committee.

Austin, April 1st, 1861.
ted for their benefit; and they have at all times the inalienable
right to alter, reform or abolish their form of government, in
such manner as they may think expedient; and, therefore, no
government or authority can exist or exercise power within the
State of Texas, without the consent of the people thereof previ-
ously given; nor after that consent be withdrawn.

Sec. 2. All freemen, when they form a social compact, have
equal rights; and no man, or set of men, is entitled to exclusive
separate public emoluments or privileges, but in consideration of
public services.

Sec. 3. No religious test shall ever be required as a qualifi-
cation to any office or public trust in this State.

Sec. 4. All men have a natural and indefeasible right to
worship God according to the dictates of their own consciences:
no man shall be compelled to attend, erect, or support any
place of worship, or to maintain any ministry against his con-
sent: no human authority ought, in any case whatever, to
control or interfere with the rights of conscience in matters of
religion; and no preference shall ever be given by law to any
religious societies or mode of worship. But it shall be the duty
of the Legislature to pass such laws as may be necessary to
protect every religious denomination in the peaceable enjoy-
ment of their own mode of public worship.

Sec. 5. Every citizen shall be at liberty to speak, write or
publish his opinions on any subject, being responsible for the
abuse of that privilege: and no law shall ever be passed curtailing
the liberty of speech or of the press.

Sec. 6. In prosecutions for the publication of papers inves-
tigating the official conduct of officers, or men in a public
capacity, or when the matter published is proper for public
information, the truth thereof may be given in evidence. And
in all indictments for libel, the jury shall have the right to
determine the law and the facts, under the direction of the court,
as in other cases.

Sec. 7. The people shall be secure in their persons, houses,
papers and possessions, from all unreasonable seizures or
searches; and no warrant to search any place, or to seize any
person or thing, shall issue, without describing them as near as
may be, nor without probable cause supported by oath or affirma-
tion.

Sec. 8. In all criminal prosecutions, the accused shall have
a speedy public trial, by an impartial jury; he shall not be com-
pelled to give evidence against himself: he shall have the right
of being heard by himself or counsel, or both; shall be con-
fronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor: and no person shall be held to answer for any criminal charge, but on indictment or information, except in cases arising in the land or naval forces, or offences against the laws regulating the militia.

Sec. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of habeas corpus, returnable in the county where the offence is committed.

Sec. 10. The privilege of the writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Sec. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 13. Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.

Sec. 14. No bill of attainder, ex post facto law retroactive law, or any law impairing the obligation of contracts shall be made, and no person’s property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

Sec. 15. No person shall ever be imprisoned for debt.

Sec. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Sec. 17. The military shall at all times be subordinate to the civil authority.

Sec. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed: nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for
redress of grievances, or other purposes, by petition, address, or
remonstrance.

Sec. 20. No power of suspending laws in this State shall
be exercised, except by the Legislature, or its authority.

Sec. 21. To guard against transgressions of the high
powers herein delegated, we declare that everything in this
"Bill of Rights" is excepted out of the general powers of gov-
ernment, and shall for ever remain inviolate, and all laws
contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

Section 1. The powers of the government of the State of
Texas, shall be divided into three distinct departments, and each
of them 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; and no
person, or collection of persons, being of one of those depart-
ments, shall exercise any power, properly attached to either of
the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

["Section 1. That all persons who were citizens of the State
of Texas on the second day of March, eighteen hundred and sixty-one; all persons born after that time, of parents, citizens of
this State; all persons born in this State of parents residing in
and entitled to acquire the rights of citizenship; all citizens of
either of the Confederate States of America, or of any State
which may hereafter be admitted into union with the Confed-
erate States of America, on terms of equality with them, immi-
grating to and permanently residing in this State; all persons
naturalized by the Constitution and laws of the Confederate
States of America and of this State, and permanently residing
therein, (Indians not taxed, negroes and their descendants ex-
cepted,) shall be citizens of the State of Texas."

["Sec. 2. All free male citizens of this State, as defined in
the preceding section, over the age of twenty-one years, who shall
have resided in this State one year next preceding an election,
and the last six months in the district, county, city or town in

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which they offer to vote, shall be deemed qualified electors; and should any such qualified elector happen to be in any other county, situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; and qualified electors shall be permitted to vote anywhere in the State for State officers; provided, that no soldier, seaman or marine in the regular army or navy of the Confederate States of America, shall be entitled to vote at any election created by this Constitution.”]

SEC. 3. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 4. The Legislative powers of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together, the “Legislature of the State of Texas.” The style of all laws shall be, “Be it enacted by the Legislature of the State of Texas.”

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

[“SEC. 6. No person shall be a Representative unless he be a citizen of this State, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district, county, city or town for which he shall be chosen, and shall have attained the age of 21 years at the time of his election.”]

SEC. 7. All elections by the people shall be held at such time and places in the several counties, cities or towns, as are now, or may hereafter be designated by law.

SEC. 8. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

SEC. 10. When a Senatorial district shall be composed of
two or more counties, it shall not be separated by any county belonging to another district.

["Sec. 11. No person shall be a Senator unless he be a citizen of this State, and shall have been an inhabitant of this State three years next preceding the election, and the last year thereof of a resident of the district for which he shall be chosen, and have attained the age of thirty years."]

Sec. 12. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law: two-thirds 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.

Sec. 13. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

Sec. 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

Sec. 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

Sec. 16. Senators and Representatives shall, in all cases, except in treason, felony, or breach the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such member may reside from the place at which the Legislature is convened.

Sec. 17. Each House, may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings: providing, such imprisonment shall not at any one time exceed forty-eight hours.

Sec. 18. The doors of each House shall be kept open.

Sec. 19. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place that in which they may be sitting without the concurrence than of both Houses.
Sec. 20. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until, on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Sec. 21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

Sec. 23. Each member of the Legislature shall receive from the public Treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and speaker of the House of Representatives, shall be elected from their respective bodies.

[Sec. 25. No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding a lucrative office under the Confederate States of America, or this State, or any foreign government, shall be eligible to the Legislature; nor shall any person, at the same time, hold or exercise any two offices, agencies or appointments of trust or profit under this State; provided that offices of the militia, to which there is attached no annual salary, and the office of Justice of the Peace shall not be deemed lucrative.]

Sec. 26. No person who at any time may have been a collec-
tor of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

Sec. 27. Ministers of the Gospel, being by their profession dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel, or priest of any denomination whatever, shall be eligible to the Legislature.

Sec. 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 29. The Legislature shall, at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

"[Sections 30 and 32, being obsolete, are omitted."

Sec. 31. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

Sec. 32. The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the city of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period the seat of government shall be permanently located by the people.

[This Constitution was never "adopted" by the United States Congress; but Congress passed an act admitting Texas into the Union, on the 29th December, 1845.]

Sec. 34. The members of the Legislature shall, at their first session, receive from the Treasury of the State, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles traveling to and from the place of convening the Legislature.
Sec. 35. In order to settle permanently the seat of government, an election shall be held throughout the State, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the Governor by the first Monday in June; if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be held in the same manner, on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the seat of Government for the time herein before provided.

ARTICLE IV.

JUDICIAL DEPARTMENT.

Section 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

Sec. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

Sec. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. And the Supreme Court and Judges thereof shall have power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, may issue writs of mandamus, and such other writs as shall be necessary to enforce its own jurisdiction, and also compel a Judge of the District Court to proceed to trial and judgment in a cause. And the Supreme Court shall hold its sessions once every year,
between the months of October and June inclusive, at not more than three places in the State.

Sec. 4. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

Sec. 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

[The two following amendments were made to the Constitution on the 16th January, 1850:

Sec. 1. The Judges of the Supreme Court, Judges of the District Courts, Attorney General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State, and the Commissioner of the General Land Office, shall, at the expiration of their respective terms of office, or in case a vacancy may occur in either of them, by death, resignation, or otherwise, after this amendment takes effect, and thereafter, be elected by the qualified electors of the State, in the manner prescribed by law.

Sec. 2. That the election for District Judges and District Attorneys shall be confined to their respective districts.]

Sec. 6. The State shall be divided into convenient judicial districts. For each district, there shall be elected a Judge who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

Sec. 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, and the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

[By a law of 1856, the Supreme Judges receive $3,000, and the District Judges $2,250 annually.”]

Sec. 8. The Judges of the Supreme and District Courts, shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause which shall not be sufficient ground for impeachment: provided however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes, shall be notified to the
Judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass: And in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

Sec. 9. All Judges of the Supreme and District Courts, shall by virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be “The State of Texas.” All prosecutions shall be carried on in the name and by the authority of the “State of Texas,” and conclude, “against the peace and dignity of the State.”

Sec. 10. The District Court shall have original jurisdiction of all criminal cases; of all suits in behalf of the State to recover penalties, forfeitures, and escheats, and of all cases of divorce; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, or the Judges thereof, shall have power to issue all writs, necessary to enforce their own jurisdiction and to give them a general superintendence and control over inferior jurisdictions. And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed; except in capital cases, and where the punishment or fine imposed, shall be specifically imposed by law.

Sec. 11. There shall be a Clerk of the District Court for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury and conviction by a petit jury. In case of vacancy, the Judge of the district shall have the power to appoint a Clerk, until a regular election can be held.

Sec. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, appoint an Attorney-General, who shall hold his office for two years, and there shall be elected by joint vote of both Houses of the Legislature, a District Attorney for each district, who shall hold his office for two years; and the duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law.

["By the amendment made to the Constitution in 1850, the Attorney General and District Attorneys are elected by the people."]

Sec. 13. There shall be appointed for each county a convenient number of Justices of the Peace, one Sheriff, one
Coroner; and a sufficient number of Constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as the Legislature may direct. Justices of the Peace, Sheriffs and Coroners, shall be commissioned by the Governor. The Sheriff shall not be eligible more than four years in every six.

Sec. 4. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Supreme Court or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the Judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

Sec. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and the District Courts shall have original and appellate jurisdiction, and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law.

Sec. 16. In the trial of all causes in equity in the District Court, the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

Sec. 17. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided by law.

Sec. 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.
Sec. 19. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals, shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment (except in cases of contempt) the accused shall have the right of trial by jury.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

Sec. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

Sec. 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

["Sec. 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified; but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the State of Texas, and shall have resided in the same three years immediately preceding his election."]

Sec. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished, during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars and no more.

[By a law of 1855, the salary of the Governor is fixed at $3,000 per annum.]

["Sec. 6. The Governor shall be Commander-in-Chief of the..."
Army and Navy of this State, and of the Militia, except when they shall be called into the service of the Confederate States of America."

SEC. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 8. He may by proclamation on extraordinary occasions convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

SEC. 9. He shall from time to time give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons, and he may, in the recess of the Senate, reprieve the sentence, until the end of the next session of the Legislature.

["SEC. 12. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same persons and in the same manner, and who shall continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant-Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, and shall be styled Governor of the State of Texas, until another be chosen at the periodical election, and be duly qualified; or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed. The Governor and Lieu-"
tenant-Governor shall hereafter be installed into office on the first Thursday after the first Monday of November, A. D. 1861, and on the same day every two years thereafter.

Sec. 13. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being, shall in like manner administer the government until he shall be succeeded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives; and no more, and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

Sec. 14. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

Sec. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

Sec. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers, relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him.
Sec. 17. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated who shall enter the objections at large upon the journals and proceed to reconsider it; if, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be re-considered; if approved by two-thirds of the members present, of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor.

Sec. 18. Every order, resolution or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or, being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

Sec. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county, who in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

Sec. 20. Nominations to fill vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

Sec. 21. The Governor shall reside during the session of the Legislature, at the place where the sessions may be held, and at all other times whenever, in their opinion, the public good may require.
SEC. 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 23. A State Treasurer and Comptroller of public accounts shall be biennially elected, by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices, during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

[By the amendment made to the Constitution in 1850, the State Treasurer and Comptroller are elected by the people.]

ARTICLE VI.

MILITIA.

["SEC. 1. The Legislature shall provide by law for organizing and disciplining the Militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the "Confederate States of America," in relation thereto."]

SEC. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

SEC. 4. The Governor shall have power to call forth the Militia to execute the laws of the State, to suppress insurrections and to repel invasions.

ARTICLE VII.

GENERAL PROVISIONS.

["SECTION 1. Members of the Legislature, and all officers of the State of Texas, before they enter upon the duties of their offices, shall take the following oath or affirmation:

I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy. And I do further solemnly swear (or affirm) that since the second day of March, A.
D., 1861, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge; or aided, advised or assisted any person thus offending—so help me God.”]

Sec. 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies—giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

["Sec 5. Any citizen of this State, who shall, after the 2d day of March, A. D. 1861, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it; or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State."]

Sec. 6. In all elections by the people, the vote shall be by ballot until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given vivâ voce, except in the election of their officers.

Sec. 7. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim, real or pretended, where the same shall not have been provided for by pre-existing law: Provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, heretofore existing.
SEC. 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue “Treasury Warrants,” “Treasury Notes,” or paper of any description intended to circulate as money.

SEC. 9. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

SEC. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years.

[“SEC. 11. Absence on the business of this State, or the “Confederate States of America,” shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.”]

SEC. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

[“SEC. 13. No member of Congress, or person holding or exercising any office of profit or trust under the “Confederate States of America,” or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State.”]

SEC. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

SEC. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

[“SEC. 16. Within three years after the 2d day of March, A. D., 1861, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct; and a like revision, digest and publication shall be made every ten years thereafter.”]

SEC. 17. No lottery shall be authorized by this State: and the buying or selling of lottery tickets within this State is prohibited.
SEC. 18. No divorce shall be granted by the Legislature.
SEC. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.
SEC. 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, revived or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.
SEC. 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain, forever null and void.
SEC. 22. The Legislature shall have power to protect by law from forced sale a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a town or city;) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale, for any debts hereafter contracted; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.
SEC. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.
SEC. 24. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.
SEC. 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.
SEC. 26. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.
SEC. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature
may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation, shall not be construed to apply to pursuits either agricultural or mechanical.

Sec. 28. The Legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars' worth of the household furniture, or other property, belonging to each family in this State.

Sec. 29. The Assessor and Collector of taxes, shall be appointed in such manner, and under such regulations, as the Legislature may direct.

Sec. 30. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

Sec. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

Sec. 32. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

["Sec. 33. The aggregate amount of debts hereafter contracted by the Legislature shall not exceed the sum of five hundred thousand dollars, ($500,000) (except in case of war, to repel invasion or suppress insurrection,) unless under the following restrictions: that whenever a debt shall be contracted exceeding that amount, the law authorizing the same shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. On the final passage of such law, in either House of the Legislature, the question shall be taken by yeas and nays, and be duly entered on the journals thereof. If no debt shall have been contracted in pursuance of such law, the Legislature may repeal the same; or if a portion of the debt authorized shall have been contracted, the Legislature may, at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected until the..."
proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability, shall be applied to the object or objects specified in the act authorizing such debt or liability, or to the re-payment of the same, and for no other purpose whatever. No part of the specific tax authorized by this section shall be appropriated or set apart for any other purpose whatever, but exclusively to the payment of the interest and principal of such debt."

Sec. 34. The Legislature shall, at the first session thereof, and may, at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

Sec. 35. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

Sec. 36. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

Sec. 37. The Legislature, by a vote of two-thirds of all the members of each House, shall have the power to call a Convention of the people for the purpose of altering, reforming, or amending the Constitution. The Legislature, at any regular biennial session, by a vote of two-thirds of each House, may propose amendments to the Constitution, which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election thereafter for Representatives to the Legislature, for the consideration of the people, and it shall be the duty of the several returning officers at said general election, to open a poll for, and make a return to the Secretary of State of, the number of votes cast at said election, for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them, and if it shall appear from said return
that a majority of the votes cast upon said proposed amendment or amendments have been cast in favor of the same, and two-thirds of each branch of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment or amendments, so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas; provided, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays. And provided, further, that the rule in the above proviso shall never be suspended by either of said Houses.”

ARTICLE VIII.

SLAVES.

[“Sec. 1. The Legislature shall have no power to pass laws for the emancipation of slaves.”]

[“Sec. 2. No citizen, or other person residing in this State, shall have power by deed, or will, to take effect in this State, or out of it, in any manner whatsoever, directly or indirectly, to emancipate his slave or slaves.”]

[“Sec. 3. The Legislature shall have no power to pass any law to prevent immigrants to this State, from bringing with them such persons of the negro race as are deemed slaves by the laws of any of the Confederate States of America; provided, that slaves who have committed any felony may be excluded from this State.”]

[“Sec. 4. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of a trial by jury, except in cases arising under the laws concerning insurrection of slaves.”]

[“Sec. 5. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on the like proof; except when such slave has committed, or attempted to commit, a rape on a white female, or in case of insurrection of such slave.”]

[“Sec. 6. The Legislature shall have power to pass laws which will oblige the owners of slaves to treat them with humanity.”]
ARTICLE IX.

IMPEACHMENT.

SECTION I. The power of impeachment shall be vested in the House of Representatives.

Sec. 2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

Sec. 3. Impeachments of Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

Sec. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

Sec. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

ARTICLE X.

EDUCATION.

SECTION I. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

Sec. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a
perpetual fund, which fund shall be appropriated to the support of free public schools, and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

Sec. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

Sec. 4. The several counties in this State which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.

ARTICLE XI.

SECTION 1. All certificates for head-right claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were, null and void from the beginning.

Sec. 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights, not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary, and were prescribed by law to sustain the original application for the said certificates, and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates; and all locations and surveys thereon, shall be forever null and void; and all re-locations made on such surveys shall not be disturbed until the certificates are established as above directed.

ARTICLE XII.

LAND-OFFICE.

SECTION 1. There shall be one general Land-Office in the
State, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

ARTICLE XIII.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of separate national Government to a State Government, it is declared, that all process which shall be issued in the name of the Republic of Texas, prior to the organization of the State Government under this Constitution, shall be as valid as if issued in the name of the State of Texas.

Sec. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas, shall not be impaired by the change of government, but may be sued for and recovered, in the name of the Governor of the State of Texas; and all criminal prosecutions, or penal actions, which shall have arisen, prior to the organization of the State government under this Constitution, in any of the Courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State government under this Constitution, shall be transferred to the proper court of the State, which shall have jurisdiction of the subject-matter thereof.

[Sec. 3. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the Confederate States of America, or the Constitution of this State, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature.]

Sec. 4. All fines, penalties, forfeitures and escheats, which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall, by law, provide a method for determining what lands may have been forfeited or escheated.

[Sections 5, 6, 7, 8 and 11, relate entirely to the change from the "Republic" to the "State" of Texas, in 1845-6, and being now obsolete, are omitted.]
Sec. 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor, to deliver to him all records, public money, documents, archives and public property, of every description whatsoever, under the control of the executive branch of the government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

Sec. 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic relative to the duties of officers, both civil and military, of the same, shall remain in full force, and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the State, under this Constitution, or until the first day of the meeting of the Legislature: That then the offices of President, Vice-President, of the President's Cabinet, Foreign Ministers, Charges and agents and others, repugnant to this Constitution, shall be superseded by the same; and that all others shall be held and exercised until they expire by their own limitation, or be superseded by the authority of this Constitution, or laws made in pursuance thereof.

Sec. 12. The first general election for Governor, Lieutenant-Governor, and members of the Legislature, after the organization of the government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the Legislature. And the Governor and Lieutenant-Governor, elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant-Governor to be elected in the year one thousand eight hundred and forty-seven.

[Section 13 is repealed by the secession of Texas.]

Done in Convention, by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

THO. J. RUSK, President.

JAMES H. RAYMOND, Secretary.
SPECIAL RESOLUTIONS.

1. Resolved, As the sense of this Convention, that the people of Texas fully appreciate the patriotism of those officers of the United States army, whether stationed in or citizens of this State, who have resigned their commissions and cast their fortunes with the Confederate States; and that their appointment to positions of equal or higher grade, in the Confederate States army, would meet with the cordial approval of this State.

2. Resolved, That we cherish feelings of approval and pride towards the cadets of West Point, from this State, who have resigned and returned home to serve their State; and respectfully recommend their appointment to appropriate positions in the army of the Confederate States.

Resolved, That this Convention has heard with profound satisfaction of the election of Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, to the offices of President and Vice-President of the Provisional Government of the Confederate States of America; and that in their well-known ability, experience, and patriotism, the country possesses ample guaranties that the high and important functions confided to them, will be so administered in these times of peril as to redound to the safety, security, and best interests of the people.

Resolved, That a committee of three be appointed by the President of this Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an Address to the People, for general information; that 10,000 copies be published for circulation by members of the Convention; that the permanent Constitution of the "Confederate States of America" be published as part of such address; and that one-fifth of the whole be in the German and Spanish languages, half in each language.

[Messrs. Pryor Lea, of Goliad, John Henry Brown, of Bell, and John D. Stell, of Leon, were appointed said committee.]

Resolved, That the chairman, (John Henry Brown,) of the committee on Printing be and he is hereby authorized to remain in Austin, after the adjournment of the Convention, to supervise and arrange the printing of such matter as has been ordered for this body; Provided, that his per diem pay shall cease within ten days from the period of adjournment.