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CONSTITUTION

OF THE

STATE OF TEXAS,

ADOPTED BY THE

CONSTITUTIONAL CONVENTION

CONVENED UNDER THE RECONSTRUCTION ACTS OF CONGRESS
PASSED MARCH 2, 1867, AND THE ACTS
SUPPLEMENTARY THERETO;

BE SUBMITTED FOR RATIFICATION OR REJECTION
AT AN ELECTION TO TAKE PLACE ON THE
FIRST MONDAY OF JULY, 1869.

AUSTIN, TEXAS:
PRINTED AT THE DAILY REPUBLICAN OFFICE.
1869.
CONSTITUTION
OF THE
STATE OF TEXAS.

PREAMBLE.

WE, THE PEOPLE OF TEXAS, acknowledging with gratitude the grace of God, in permitting us to make a choice of our form of government, do hereby ordain and establish this Constitution:

ARTICLE I.
BILL OF RIGHTS.

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected; and the great principles of liberty and equality secured to us and our posterity, We declare that:

SECTION I. The Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law; that this Constitution is framed in harmony with, and in subordination thereto; and that the fundamental principles embodied herein can only be changed, subject to the national authority.
Section II. 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.

Section III. No religious test shall be required as a qualification to any office of public trust in this State.

Worship.

Section IV. 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 consent. 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 enjoyment of their own mode of public worship.

Section V. 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.

Truth of publication may be given in evidence.

Section VI. In prosecutions for the publication of papers, investigating the official conduct of officers, or of 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 prosecutions for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

Security from seizures and searches.

Section VII. The people shall be secured 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 such place, person or thing, as near as may be, nor without probable cause, supported by oath or affirmation.

Speedy and public trial.

Section VIII. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself, or by counsel, or both; shall be confronted 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 offenses against the laws regulating the militia.

SECTION IX. All prisoners shall be bailable upon sufficient sureties, unless for capital offenses, when the proof is evident; 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 the writ of habeas corpus, returnable in the county where the offense is committed.

SECTION X. The privileges of the writ of habeas corpus shall not be suspended, except by act of Legislature, in case of rebellion or invasion, when the public safety may require it.

SECTION XI. Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor 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.

SECTION XII. No person, for the same offense, shall be put in jeopardy of life; nor shall a person be again put upon trial for the same offense, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SECTION XIII. Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the Legislature may prescribe.

SECTION XIV. 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 just compensation being made, unless by the consent of such person; nor shall any law be passed depriving a party of any remedy for the enforcement of a contract, which existed when the contract was made.

SECTION XV. No person shall ever be imprisoned for debt.

SECTION XVI. 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.

**SECTION XVII.** The military shall at all times be subordinate to the civil authority.

**SECTION XVIII.** Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailment ever be in force in this State.

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

**SECTION XX.** No power of suspending laws in the State shall be exercised, except by the Legislature, or its authority.

**SECTION XXI.** The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor be exempted from any burdens, or duty, on account of race, color, or previous condition.

**SECTION XXII.** Importations of persons under the name of "coolies," or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized, or tolerated by the laws of the State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in the State.

**SECTION XXIII.** To guard against transgressions of the high powers herein delegated, we declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.
ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

Section I. 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 departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

Section I. Every male person who shall have attained the age of twenty-one years, and who shall be (or who shall have declared his intentions to become) a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of Texas, and shall have resided in the State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector: and should such qualified electors 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; provided that the qualified elector shall be permitted to vote any where in the State for State officers; and provided further, that no soldier, seaman or marine in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

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

Section III. The legislative power of the 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 the laws shall be, “Be it enacted by the Legislature of the State of Texas.”
SECTION IV. 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 general election; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law.

SECTION V. No person shall be a Representative, unless he be a citizen of the United States, and shall have been a citizen of this State two years next preceding his election, and the last year thereof a citizen of the county, city, or town from which he shall be chosen, and shall have attained the age of twenty-one years, at the time of his election.

SECTION VI. All elections for State, district and county officers shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened for four days, from 8 o'clock, A. M., until 4 o'clock, P. M., of each day.

SECTION VII. The House of Representatives shall consist of ninety members, and no more.

SECTION VIII. The Senators shall be chosen by the qualified electors, hereafter, for the term of six years. Those elected at the first election shall be divided by lot into three 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; and the third class, at the expiration of six years; so that one-third thereof shall be chosen biennially thereafter.

SECTION IX. Such mode of classifying new additional sections shall be observed, as will, as nearly as possible, preserve an equality of number in each class.

SECTION X. The Senate shall consist of thirty-three Senators, and no more.

SECTION XI. A new apportionment for Representative and Senatorial districts shall be made by the first Legislature in session after the official publication of the United States census, every ten years.

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

SECTION XIII. No person shall be a Senator, unless he be a
citizen of the United States, and shall have been a citizen of
this State three years next preceding the election, and the last
year thereof a resident of the district for which he shall be
chosen, and have attained the age of twenty-five years.

SECTION XIV. No person shall be eligible to any office, State,
county or municipal, who is not a registered voter in this State.

SECTION XV. 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 elections and qualifications 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.

SECTION XVI. 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.

SECTION XVII. 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 upon the journals.

SECTION XVIII. Any member of either House shall have
liberty to dissent from, or protest against any act or resolution
which he may think injurious to the public, or an individual, and
have the reason for dissent entered on the journals.

SECTION XIX. 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; and should the
Governor fail to issue a writ of election to fill such vacancy, the
returning officer for the district or county shall be authorized to
order an election for that purpose.
SECTION XX. Senators and Representatives shall, in all cases except in treason, felony, or breach of 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-five miles, such member may reside from the place at which the Legislature is convened.

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

SECTION XXII. The doors of each House shall be kept open, except upon a call of either House, and when there is an executive session of the Senate.

SECTION XXIII. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SECTION XXIV. 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: provided, that the final vote, on all bills or joint resolutions appropriating money or lands for any purpose, shall be by the yeas and nays.

SECTION XXV. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat, but shall provide for the same by general laws.

SECTION XXVI. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution, con-
taining the same substance, shall be passed into a law during the same session.

**SECTION XXVII.** The Legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

**SECTION XXVIII.** 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.

**SECTION XXIX.** No Senator or Representative shall, while a member of the Legislature, 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; 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.

**SECTION XXX.** 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 United States, or this State, or any foreign government, shall be eligible to the Legislature; nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit under this State: provided, that offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if so provided by the Legislature.

**SECTION XXXI.** No person who at any time may have been a collector 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 collection, and for all public money with which he may have been entrusted.

**SECTION XXXII.** It shall be the duty of the Legislature immediately to expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of...
preferment or reward; and every person so offending, and so expelled shall thereafter be disabled from holding any office of honor, trust or profit in this State.

**SECTION XXXIII.** Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

**SECTION XXXIV.** 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.

**SECTION XXXV.** The members of the Legislature shall, at their first session hereafter, receive from the treasury of the State as their compensation, eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

**SECTION XXXVI.** The Legislature shall proceed, as early as practicable, to elect Senators to represent this State in the Senate of the United States; and also, provide for future elections of Representatives to the Congress of the United States; and on the second Tuesday, after the first assembling of the Legislature after the ratification of this Constitution, the Legislature shall proceed to ratify the 13th and 14th Articles of Amendment to the Constitution of the United States of America.

**SECTION XXXVII.** In order to settle permanently the seat of government, an election shall be holden, throughout the State, at the usual places of holding elections, at the first general election after the acceptance of this Constitution by the Congress of the United States, 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 with the other returns of that election.

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. But in case neither place voted for shall have the majority of the whole number of votes given in, the Governor
shall issue his proclamation for an election, to be held in the same manner, at the next following general election, between the two places having the highest number of votes at the first election. This 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 permanent seat of government.

Section XXXVIII. The first Legislature shall pass such laws as will authorize the clerks of the district court and the justices of the peace of the several counties to issue executions, after the adjournment of each term of their respective courts, against the plaintiff or defendant, for all costs created by them in any suit or suits therein.

Section XXXIX. Until otherwise provided by law, the following counties:

DISTRIBUTED

COUNTIES.

1st. Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler and Polk.
2nd. Trinity, Angelina, San Augustine, Sabine, Nacogdoches and Shelby.
3rd. Houston and Cherokee.
5th. Rusk and Panola.
6th. Smith and Upshur.
7th. Harrison.
8th. Marion, Davis and Bowie.
9th. Titus and Red River.
10th. Wood, Hopkins and Hunt.
11th. Lamar and Fannin.
12th. Galveston, Brazoria and Matagorda.
13th. Wharton, Fort Bend and Austin.
14th. Harris and Montgomery.
16th. Washington.
17th. Burleson, Brazos and Milam.
18th. Robertson, Leon and Freestone.
19th. McLennan, Limestone and Falls.
21st. Dallas, Collin and Tarrant.
Senatorial and Representative Districts.

<table>
<thead>
<tr>
<th>District</th>
<th>Counties</th>
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<tbody>
<tr>
<td>22d.</td>
<td>Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Wichita, Throckmorton, Baylor, Wilbarger, Haskell, Knox and Hardiman</td>
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<tr>
<td>23d.</td>
<td>Bosque, Johnson, Hood, Parker, Erath, Palo Pinto, Eastland, Stephens, Callahan, Jones, Shackelford and Taylor</td>
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<td>24th.</td>
<td>Calhoun, Jackson, Victoria, Refugio, San Patricio, Bee, Goliad and De Witt</td>
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<td>25th.</td>
<td>Lavaca and Colorado</td>
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<td>26th.</td>
<td>Fayette and Bastrop</td>
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<td>27th.</td>
<td>Gonzales, Guadalupe and Caldwell</td>
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<tr>
<td>28th.</td>
<td>Hays, Travis, Williamson, Bell, Coryell, Lampasas, San Saba, Hamilton, Comanche, Brown, Coleman, Concho and McCulloch</td>
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<td>29th.</td>
<td>Bexar, Wilson, Comal, Kendall, Blanco, Burnett, Llano, Mason, Gillespie, Kerr, Bandera, Edwards, Kimball and Menard</td>
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</table>

Senators and Representatives—how apportioned.

SECTION XL. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts as follows, to wit:

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<thead>
<tr>
<th>District</th>
<th>Senators</th>
<th>Representatives</th>
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<td>1st.</td>
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<td>DISTRICTS</td>
<td>SENATORS</td>
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SECTION XLI. In the several Senatorial and Representative Districts, composed of more counties than one, the Chief Justice of the following named counties shall receive the returns, and give certificates of election to the persons respectively receiving the highest number of votes, to wit:

1st District.—Chief Justice of Liberty County.

2d " " " Nacogdoches County.

3d " " " Cherokee County.

4th " " " Anderson County.

5th " " " Rusk County.

6th " " " Smith County.

7th " " " Harrison County.

8th " " " Marion County.

9th " " " Red River County.

10th " " " Hopkins County.

11th " " " Lamar County.

12th " " " Galveston County.

13th " " " Fort Bend County.

14th " " " Harris County.

15th " " " Grimes County.

16th " " " Washington County.

17th " " " Burleson County.

18th " " " Robertson County.

19th " " " McLennan County.

20th " " " Navarro County.

21st " " " Dallas County.

22d " " " Grayson County.
23d District—Chief Justice of Bosque County.
24th " " " Victoria County.
25th " " " Colorado County.
26th " " " Fayette County.
27th " " " Gonzales County.
28th " " " Travis County.
29th " " " Bexar County.
30th " " " Nueces County.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION I. The executive department of the State shall consist of a Chief Magistrate, who shall be styled the Governor, a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General and Superintendent of Public Instruction.

SECTION II. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SECTION III. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session 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 forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SECTION IV. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a
resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

SECTION V. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the Governor’s Mansion, fixtures and furniture.

SECTION VI. He shall be Commander in Chief of the militia of the State, except when they are called into the actual service of the United States.

SECTION VII. He may, at all times, require information in writing from all the officers of the Executive Department, on any subject relating to the duties of their offices. If a vacancy occurs in any of the executive offices, by death, resignation or removal, or from any other cause, during the recess of the Legislature, the Governor shall have power, by appointment, to fill such vacancy: which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation, or rejection. If it be confirmed by the Senate, the term of office shall continue until the regular return of the periodic election of said office.

SECTION VIII. He shall have power, by proclamation, on extraordinary occasions, to convene the Legislature at the seat of government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place within the State he may deem expedient.

SECTION IX. He shall, from time to time, give to the Legislature information, in writing, of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

SECTION X. He shall take care that the laws be faithfully executed.
SECTION XI. In all criminal cases, except 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. With the advice and consent of the Senate, he may grant pardons in cases of treason; and, to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve or pardon, the Governor shall file, in the office of the Secretary of State, his reasons therefor.

SECTION XII. Nominations to fill vacancies occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session; and should any such nomination be rejected, the same person shall not again be nominated, during the session, to fill the same office.

SECTION XIII. During the sessions of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SECTION XIV. No person, holding the office of Governor, shall hold any other office or commission, civil or military.

SECTION XV. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be President of Senate; and shall have, when in committee of the whole, the 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, until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent or disabled, shall be acquitted, returned, or his disability be removed.

SECTION XVI. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a Presi-
dent for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he 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 superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the per diem or pay of a Senator, and no more; and, while acting Governor, the same compensation as a Governor would receive for a like period of service, in his office, and no more. The President of the Senate, for the time being, if called upon to administer the government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall 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 of the Senate for the time being.

SECTION XVII. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, with 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 by law.

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

SECTION XIX. 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.

SECTION XX. There shall be a Comptroller of Public Accounts, elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the...
term of four years. He shall superintend the fiscal affairs of
the State; give instructions to the Assessors and Collectors of
the Taxes; settle with them for taxes; take charge of all
escheated property; keep an account current of all moneys
paid into the treasury, and of all lands escheated to the State;
publish annually a list of delinquent Assessors and Collectors,
and demand of them an annual list of all tax payers in their
respective counties, to be filed in his office; keep all the accounts
of the State; audit all the claims against the State; draw war-
rants upon the Treasury in favor of the public creditors; and
perform such other duties as may be prescribed by law.

SECTION XXI. There shall be a Treasurer of the State,
elected at the same time of the election of Governor, having the
same qualifications as the Governor and Comptroller of Public
Accounts, who shall hold his office for the same period of time.
He shall receive and take charge of all public money paid into
the treasury; countersign all warrants drawn by the Comptroller
of Public Accounts; pay off the public creditors upon the warrant
of the Comptroller of Public Accounts; and perform all such
other duties as may be prescribed by law.

SECTION XXII. A Commissioner of the General Land Office
shall be elected by the qualified voters of the State at the same
time and in the same manner as the Governor, Comptroller of
Public Accounts and Treasurer may be elected, who shall hold
his office for a like period of time and shall possess the same
qualifications. He shall be the custodian of the archives of the
land titles of the State; the register of all land titles hereafter
granted, and shall perform such other duties as may be required
by law.

SECTION XXIII. There shall be an Attorney General of the
State having the same qualifications as the Governor, Lieutenant
Governor, Comptroller of Public Accounts and Treasurer, who
shall be appointed by the Governor, with the advice and consent
of the Senate. He shall hold his office for the term of four
years. He shall reside at the capital of the State during his
term of office. He shall represent the interests of the State in
all suits or pleas in the Supreme Court, in which the State may
be a party; superintend, instruct and direct the official action of
the District Attorneys so as to secure all fines and forfeitures,
al escheated estates, and all public moneys to be collected by
suit; and he shall, when necessary, give legal advice in writing
to all officers of the government; and perform such other duties as may be required by law.

Section XXIV. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Attorney General, shall each receive for his services the annual salary of three thousand dollars; and which shall neither be increased nor diminished during his continuance in office.

Section XXV. Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approves, he shall sign it, but if he disapprove it, he shall return it, with his objections to that House in which it originated; which House shall enter the objections at large upon the journals of the House, 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 reconsidered. If approved by two-thirds of the members present of that House, it shall become law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation and disapprove any other appropriation in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had, on that part disapproved, as on the other bills disapproved by him; but if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

Section XXVI. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or, being
disapproved, shall be repassed in the manner prescribed in the case of a bill.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION I. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior Courts and Magistrates as may be created by this Constitution, or by the Legislature under its authority.

The Legislature may establish Criminal Courts in the principal cities within the State, with such criminal jurisdiction, co-extensive with the limits of the County wherein such city may be situated, and under such regulations as may be prescribed by law; and the Judge thereof may preside over the Courts of one or more cities, as the Legislature may direct.

SECTION II. The Supreme Court shall consist of three Judges, any two of whom shall constitute a quorum. They shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of nine years. But the Judges first appointed under this Constitution, shall be so classified by lot, that the term of one of them shall expire at the end of every three years. The Judge whose term shall soonest expire shall be the presiding Judge. All vacancies shall be filled for the unexpired term. If a vacancy shall occur, or a term shall expire, when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and, if not confirmed, the office shall immediately become vacant.

SECTION III. The Supreme Court shall have appellate jurisdiction only, which, in civil causes, shall be co-extensive with the limits of the State. In criminal causes no appeal shall be allowed to the Supreme Court unless some Judge thereof shall, upon inspecting a transcript of the record, believe that some error of law has been committed by the Judge before whom the cause was tried; provided, that said transcript of the record shall be presented within sixty days from the date of the trial, under such rules and regulations as shall be prescribed by the Legislature. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court, and the Judges
thereof, shall have power to issue the writ of habeas corpus; and under such regulations as may be prescribed by law, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SECTION IV. The Supreme Court shall hold its sessions annually at the capital of the State.

SECTION V. The Supreme Court shall appoint its own Clerk, who shall hold his office for four years, unless sooner removed by the Court for good cause, entered of record on the minutes of the Court. The said clerk shall give bond in such manner as is now, or may hereafter be required by law.

SECTION VI. The State shall be divided into convenient Judicial Districts, for each of which one Judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of eight years, who shall after his appointment reside within the District, and shall hold a Court three times a year in each County thereof, at such time and place as may be prescribed by law; provided, that at the first general election after the 4th of July, 1876, the question shall be put to the people, whether the mode of election of Judges of the Supreme and District Courts shall not be returned to.

SECTION VII. The District Court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; 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, and the Judges thereof, shall have power to issue the writ of habeas corpus, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior Courts, with such exceptions, and under such regulations, as the Legislature may prescribe. And the District Court shall
also have original and exclusive jurisdiction for the probate of wills; for the appointing of guardians; for the granting of letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians; and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind; and for the settlement, partition and distribution of such estates, under such rules and regulations as may be prescribed by law.

SECTION VIII. 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 to be imposed, except in cases where the punishment or fine shall be specifically imposed by law; provided, that in all cases where by law it may be provided that capital punishment may be inflicted, the jury shall have the right, in their discretion, to substitute imprisonment to hard labor for life.

SECTION IX. A Clerk of the District Court for each County shall be elected by the qualified electors in each County, who shall hold his office for four years, subject to removal by the Judge of said Court for cause spread upon the minutes of the Court. The said Clerk shall exercise such powers, and perform such duties, appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind, in vacation, as may be prescribed by law; provided, that all contested issues of law or fact, shall be determined by the District Court. And the Clerk of the District Court shall be recorder, for the County, of all deeds, bonds, and other instruments required by law to be recorded; and also ex-officio Clerk of the Police or County Court; and by virtue of his office shall have control of the records, papers, and books of the District and County or Police Court, and shall generally perform the duties heretofore required of County and District Clerks.

SECTION X. The Judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of the members elected to each House of the Legislature, for incompetency, neglect of duty, or other reasonable causes, which are not 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
defense, before any vote for such address shall pass. And, in all
such cases, the vote shall be taken by yeas and nays, and entered
in the journals of each House respectively.

SECTION XI. 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 case. When the Supreme Court, or a quorum thereof,
shall be thus disqualified to hear and determine 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 a Judge of the District Court is thus
disqualified, the parties may, by consent, appoint a proper per-
son to try the case, and upon their failing to do so, the case shall
be transferred for trial to the County, in the adjoining District,
whose County seat is nearest to that of the County where the
case is pending. District Judges may exchange Districts, or hold
Courts for each other, when they may deem it expedient, and
shall do so when directed by law; and when the District Judge
is disqualified to try any case, or cases, within his District, the
Governor of the State, on such facts being certified to him, may
appoint some person, learned in the law, to try such case, or
cases, who shall receive such compensation, as may be given by
law. The disqualification of Judges of inferior tribunals shall
be remedied as prescribed by law.

SECTION XII. There shall be a District Attorney elected by
the qualified voters of each Judicial District, who shall hold his
office for four years; and the duties, salaries and perquisites of
District Attorney shall be prescribed by law.

SECTION XIII. The Judges of the Supreme Court shall re-
ceive a salary of not less than four thousand five hundred dollars
annually, and the Judges of the District Court, a salary not less
than three thousand five hundred dollars annually. And the
salaries of the Judges shall not be diminished during their con-
tinuance in office.

SECTION XIV. Where a vacancy shall occur in the office of
Judge of the District Court, at a time when the Senate is not in
Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate, within ten days after that body shall assemble; and if not confirmed, the office shall immediately become vacant.

Section XV. The 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."

Section XVI. In all cases of law or equity, when the matter in controversy shall be valued at or exceed ten dollars, the right of trial by jury shall be preserved, unless the same shall be waived by the parties or their attorneys, except in cases where a defendant may fail to appear and answer, within the time prescribed by law, and the cause of action is liquidated and proved by an instrument in writing.

Section XVII. Every criminal offense that may by law be punished by death, or in the discretion of the jury by imprisonment to hard labor for life, and every offense that may by law be punished by imprisonment in the State Penitentiary, shall be deemed a felony, and shall only be tried upon an indictment found by a Grand Jury. But all offenses of a less grade than a felony, may be prosecuted upon complaint, under oath, by any peace officer or citizen, before any Justice of the Peace or other inferior tribunal, that may be established by law; and the party so prosecuted shall have the right of trial by a jury, to be summoned in such manner as may be prescribed by law.

Section XVIII. One Sheriff for each county shall be elected by the qualified voters thereof, who shall hold his office for four years, subject to removal by the Judge of the District Court for said county, for cause spread upon the minutes of the Court. Process against the Sheriff, and all such writs as by reason of interest in the suit, or connection with the parties, or for other cause, the Sheriff is incompetent to execute, shall issue to and be executed by any Constable in the county.

Section XIX. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five Justices
of the Peace, one of whom shall reside, after his election, at the County seat; and not more than one of said Justices shall be a resident of the same Justice's precinct. They shall hold their offices for four years, and should a vacancy occur in either of said offices, an election shall be held for the unexpired term.

Section XX. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided by law. And the Justices of the Peace in each county, or any three of them, shall constitute a Court, having such jurisdiction, similar to that heretofore exercised by County Commissioners and Police Courts, as may be prescribed by law. And when sitting as such Court the Justice who resides at the County seat shall be the presiding Justice. The times and manner of holding said Courts shall be prescribed by law. Justices of the Peace shall also be commissioned to act as Notaries Public. Justices of the Peace shall also discharge all the duties of Coroner, except as by section XXI of this article, are devolved upon Constables.

Section XXI. Each county shall be divided into five Justices' precincts. And the Justices of the Peace in each county, sitting as a County Court, shall appoint one Constable for each Justice's precinct, who shall hold his office for four years, subject to removal by said Court for cause spread upon the minutes of the Court. And said Constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of Sheriff in all such cases as heretofore devolved those duties upon the Coroner.

Section XXII. Sheriffs and Justices of the Peace shall be commissioned by the Governor.

Section XXIII. Sheriffs, District Clerks and Justices of the Peace, when acting as such, and when acting as a County Court, shall receive such fees or other compensation as may be provided for by law.

Section XXIV. All County and District officers, whose removals are not otherwise provided for, may be removed, on conviction by a jury, after indictment, for malfeasance, nonfeasance, or misfeasance in office.

Section XXV. In all cases arising out of a contract, before any inferior 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.

SECTION XXVI. In the trial of all causes 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 by law.

ARTICLE VI.

RIGHT OF SUFFRAGE.

SECTION I. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be elected by the people, and upon all questions submitted to the electors at any election; provided, that no person shall be allowed to vote, or hold office, who is now, or hereafter may be disqualified therefor, by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; provided, further, that no person, while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

ARTICLE VII.

MILITIA.

SECTION I. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and repel invasions.

ARTICLE VIII.

IMPEACHMENT.

SECTION I. The power of impeachment shall be vested in the House of Representatives.
SECTION II. Impeachment of the Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

SECTION III. Impeachment 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.

SECTION IV. 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.

SECTION V. 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.

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

ARTICLE IX.

PUBLIC SCHOOLS.

SECTION I. It shall be the duty of the Legislature of this State, to make suitable provisions for the support and maintenance of a system of Public Free Schools, for the gratuitous instruction of all the inhabitants of this State, between the ages of six and eighteen years.

SECTION II. There shall be a Superintendent of Public Instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case
of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SECTION III. The Superintendent shall have the supervision of the Public Free Schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient school Districts, and provide for the formation of a Board of School Directors in each District. It may give the District Boards such legislative powers, in regard to the schools, schoolhouses, and school fund of the District, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature, such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the Free Schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to Public Schools.

SECTION IV. The Legislature shall establish a uniform system of Public Free Schools throughout the State.

SECTION V. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the Public Free Schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction, for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SECTION VI. As a basis for the establishment and endowment of said Public Free Schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of Public Schools, shall constitute the Public School Fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of
the State of Texas, shall also constitute a part of the Public School Fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such Public School Fund. And the Legislature shall set apart, for the benefit of Public Schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected, an annual poll tax of one dollar, on all male persons in this State, between the ages of twenty-one and sixty years, for the benefit of Public Schools. And said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, exclusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SECTION VII. The Legislature shall, if necessary, in addition to the income derived from the Public School Fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation, in the several School Districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several Districts.

SECTION VIII. The public lands heretofore given to counties shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe; and in such case the proceeds of the same shall be added to the Public School Fund.

SECTION IX. The Legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this Article. It is made the imperative duty of the Legislature to see to it, that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the School Fund, and the income derived from taxation for school purposes; and shall, from time to time, as may be necessary, invest the principal of the School Fund in the bonds of the United States Government, and in no other security.
ARTICLE X.

LAND OFFICE.

SECTION I. 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 officers as they may deem requisite.

SECTION II. That the residue of the public lands may be ascertained, it is declared that all surveys of land heretofore made, and not returned to the General Land Office, in accordance with the provisions of an Act entitled "An Act concerning Surveys of Land," approved 10th February, 1852, are hereby declared null and void.

SECTION III. All certificates for land located after the 30th day of October, 1856, upon lands which were titled before such location of certificate, are hereby declared null and void; provided, that in cases where the location, for the want of correct maps, or proper connection of surveys, is found to be in conflict with older surveys, whether titled or not, such certificates may be lifted and relocated.

SECTION IV. All unsatisfied genuine land certificates, now in existence, shall be surveyed and returned to the General Land Office by the first day of January, 1875, or be forever barred.

SECTION V. All public lands heretofore reserved for the benefit of Railroads or Railway Companies, shall hereafter be subject to location and survey by any genuine land certificates.

SECTION VI. The Legislature shall not hereafter grant lands to any person or persons, nor shall any certificate for land be sold at the Land Office, except to actual settlers upon the same, and in lots, not exceeding 160 acres.

SECTION VII. All lands granted to Railway Companies, which have not been alienated by said Companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the School Fund.
SECTION VIII. To every head of a family, who has not a homestead, there shall be donated one hundred and sixty acres of land, out of the public domain, upon the condition that he will select, locate, and occupy the same for three years, and pay the office fees on the same. To all single men, twenty-one years of age, there shall be donated eighty acres of land, out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

SECTION IX. The State of Texas hereby releases to the owner or the owners of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the Legislature may impose.

ARTICLE XI.

IMMIGRATION.

SECTION I. There shall be a Bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with immigration. The head of this Bureau shall be styled the "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for four years, and until otherwise fixed by law, shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties, connected with immigration, as may be given by law.

SECTION II. The Legislature shall have power to appropriate part of the ordinary revenue of the State, for the purpose of promoting and protecting immigration. Such appropriation shall be devoted to defraying the expenses of this Bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment, in part, or in toto, of the passage of immigrants from Europe to this State, and their transportation within this State.

ARTICLE XII.

GENERAL PROVISIONS.

SECTION I. Members of the Legislature, and all officers, 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 duties incumbent on me as __________, according to the best of my skill and ability, and that I will support the Constitution and laws of the United States and of this State. And I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, being a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any person with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons, or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not disqualified from holding office under the 14th Amendment to the Constitution of the United States; (or, as the case may be, my disability to hold office under the 14th Amendment to the Constitution of the United States has been removed by Act of Congress;) and further, that I am a qualified elector in this State."

SECTION II. 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, to disfranchise. Free suffrage to be supported by law, and its protection insured.

Conviction of bribery, perjury, forgery, or other high crimes, to disfranchise. Free suffrage to be supported by law, and its protection insured.

Of duels, challenges and assaults with deadly weapons, and of aiding and assisting therein.

Penalties.

Of votes by ballot.

Of votes viva voce.

Legislature to provide for certain compensations. Exemptions to be granted, when, etc.

SECTION III. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this 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 the right of suffrage, or of holding any office of trust or profit under this State.

SECTION IV. In all elections by the people, the vote shall be by ballot; and, in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

SECTION V. 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.

SECTION VI. No money shall be drawn from the Treasury but in pursuance of specific appropriation 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 appropriations 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 provided 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.

SECTION VII. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or being elected or appointed to any office, under the exceptions contained in this Constitution.

SECTION VIII. 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.

SECTION IX. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, 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.

SECTION X. The Legislature shall provide for a change of venue in civil and criminal cases.

SECTION XI. 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.

SECTION XII. 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.

SECTION XIII. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SECTION XIV. The rights of married women to their separate property, real and personal, and the increase of the same, shall be protected by law; and married women, infants and insane persons, shall not be barred of their rights of property by adverse possession, or law of limitation, of less than seven years from and after the removal of each and all of their respective legal disabilities.

SECTION XV. The Legislature shall have power, and it shall be their duty, 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 city, town or village,) or any city, town or village lot, or lots, not to exceed five thousand dollars in value, at the time of their destination as a homestead, and without reference to the value of any improvements thereon, shall not be subject to forced sale for debts, except they be for the purchase thereof, for the taxes assessed thereon, or for labor and materials expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law.

SECTION XVI. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SECTION XVII. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SECTION XVIII. No law shall be revised or amended by reference to its title; but, in such cases, the act revised, or section amended, shall be re-enacted, and published at length.

SECTION XIX. Taxation shall be equal and uniform throughout the State. All property in the 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 levy 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.

**SECTION XX.** The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year’s assessment.

**SECTION XXI.** Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

**SECTION XXII.** Provisions shall be made by the first Legislature for the condemnation and sale of all lands for taxes due thereon; and, every five years thereafter, of all lands, the taxes upon which have not been paid to that date.

**SECTION XXIII.** It shall be the duty of the Legislature to provide by law, in all cases where State or county debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal; and all such laws shall be irrepealable until principal and interest are fully paid.

**SECTION XXIV.** 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, 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. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein; nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors; and in all cases where, from the want of qualified jurors, or other cause, the courts cannot
properly be held in any county, it shall be the duty of the District Judge to certify such fact to the Governor; and the Governor shall, by proclamation, attach such county, for judicial purposes, to that county, the county seat of which is nearest the county seat of the county so to be attached.

**SECTION XXV.** Annual pensions may be provided for the surviving veterans of the revolution which separated Texas from Mexico; and for those permanently disabled in the service of the United States during the late rebellion, provided they entered the service from this State.

**SECTION XXVI.** Each county in the State shall provide, in such manner as may be prescribed by law, a Manual Labor Poor House, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the Legislature may direct, all persons committing petty offenses in the county, may be committed to such Manual Labor Poor House, for correction and employment.

**SECTION XXVII.** All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together, in such relation, shall be considered as having been legally married; and the children heretofore, or hereafter, born of such cohabitations, shall be deemed legitimate.

**SECTION XXVIII.** Justices of the Peace shall assess the property in their respective precincts, under such laws as shall be provided and enacted by the Legislature; and the Sheriffs of the several counties of this State shall collect the taxes so assessed.

**SECTION XXIX.** Provision shall be made, under adequate penalties, for the complete registration of all births, deaths and marriages, in every organized county of this State.

**SECTION XXX.** Every person, corporation, or company, that may commit a homicide through willful act, or omission, shall be responsible in exemplary damages, to the surviving husband, widow, heirs of his or her body, or such of them as
there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SECTION XXXI. No minister of the gospel, or priest of any denomination whatever, who accepts a seat in the Legislature, as Representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.  

SECTION XXXII. The Inferior Courts of the several counties in this State, shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties, to assess, and provide for the collection of a tax upon the taxable property, to aid in the construction of internal improvements; provided, that said tax shall never exceed two per cent. upon the value of such property.

SECTION XXXIII. The ordinance of the Convention passed on the first day of February, A. D. 1861, commonly known as the Ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore, null and void from the beginning; and all laws, and parts of laws, founded upon said ordinance, were also null and void from the date of their passage. The Legislatures which sat in the State of Texas, from the 18th day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas; provided, that this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said Legislatures, which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts, not in aid of the rebellion against the United States, during said period of time. The Legislature which assembled in the city of Austin on the 6th day of August, A. D., 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States; or were not intended to reward those who participated in the late rebellion;
or to discriminate between citizens on account of race or color; or to operate prejudicially to any class of citizens.

SECTION XXXIV. All debts created by the so-called State of Texas, from and after the 28th day of January, A. D. 1861, and prior to the 5th day of August, 1865, were, and are null and void; and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts. All unpaid balances, whether of salary, per diem, or monthly allowance, due to employees of the State, who were in the service thereof, on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support, to the rebellion then inaugurated against the government of the United States, or turned their arms against the said government, thereby forfeited the sums severally due to them. All the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury, for non-interest warrants, are hereby declared to have been fully paid and discharged; provided, that any loyal person, or his or her heirs or legal representative, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair or impartial.

SECTION XXXV. Within five years after the acceptance of this Constitution, 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.

SECTION XXXVI. No lottery shall be authorized by this State; and the buying and selling of lottery tickets within this State is prohibited.

SECTION XXXVII. No divorce shall be granted by the Legislature.

SECTION XXXVIII. The duration of all offices, not fixed by this Constitution, shall never exceed four years.
SECTION XXXIX. 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 war, but in a manner prescribed by law.

SECTION XL. All sales of landed property, made under decrees of Courts in this State, shall be offered to bidders in lots of not less than ten, nor more than forty acres, except in towns or cities—including sales for taxes.

SECTION XLII. All civil officers of this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

SECTION XLIII. The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury, in favor of any person, for salary or compensation, as agent, officer, or appointee, who holds, at the same time, any other office or position of honor, trust or profit, under the State, or the United States, except as prescribed in this Constitution.

SECTION XLIII. The statutes of limitation of civil suits were suspended by the so called act of Secession of the 28th of January, 1861, and shall be considered as suspended within this State, until the acceptance of this Constitution by the United States Congress.

SECTION XLIV. All usury laws are abolished in this State, and the Legislature is forbidden from making laws limiting the parties to contracts, in the amount of interest they may agree upon for loans of money or other property; provided, this section is not intended to change the provisions of law, fixing rate of interest in contracts, where the rate of interest is not specified.

SECTION XLV. All the qualified voters of each county shall also be qualified jurors of such county.

SECTION XLVI. It shall be the duty of the Legislature, after the adoption of this Constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges, and the improvement of the public roads in the different counties in the State, under such rules and regulations as the Legislature shall provide;
and no law shall be passed requiring the personal services of any portion of the people on the public roads.

**SECTION XLVII.** Mechanics and artisans of every class, shall have a lien upon the articles manufactured or repaired by them, for the value of their labor done thereon, or materials furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

**SECTION XLVIII.** The Legislature may prohibit the sale of all intoxicating or spirituous liquors in the immediate vicinity of any college or seminary of learning; provided, said college or seminary be located other than at a county seat or at the State capital.

**SECTION XLIX.** The Legislature shall give effect to the foregoing general provisions, and all other provisions of this Constitution, which require Legislative action, according to their spirit and intent, by appropriate acts, bills or joint resolutions.

**SECTION L.** The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in the public prints of this State, at least three months before the next general election of Representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next general election which shall be then held, to open a poll for, and make a return to the Secretary of State, of the names of all those voting for Representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of those voting upon the proposed amendments have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature shall, after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this Constitution; provided, that the said proposed amendments shall, at each of the said sessions, have been read on three sever days in each House.
DECLARATION.

SECTION I. Be it declared, by the people of Texas, in Convention assembled, That the territory comprised within the limits of the following named counties shall compose the Congressional Districts of the State of Texas, until otherwise provided by law:

1st District

SECTION II. The First Congressional District shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers, Van Zandt, and Wood.

2d District


3d District

SECTION IV. The Third Congressional District shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Bosque, Hill, and Navarro.

4th District

SECTION V. The Fourth Congressional District shall consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San
CONCERNING THE ELECTION FOR RATIFICATION OR REJECTION OF THE CONSTITUTION, AND FOR STATE, DISTRICT AND COUNTY OFFICERS, AND MEMBERS OF CONGRESS.

I. Be it declared, by the people of Texas in Convention assembled, That the Constitution adopted by this Convention, be submitted for ratification or rejection to the voters of this State, registered and qualified, as provided by the acts of Congress, known as the reconstruction laws, at an election commencing on the first Monday in July, 1869, and continuing for the number of days specified in the Constitution adopted by this Convention, for the holding of general elections. The vote on said Constitution shall be "For the Constitution" and "Against the Constitution." The said election shall be held at the places and under the regulations to be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

II. An election shall be held, at the same time and place as for the ratification or rejection of the Constitution, for Senators and Representatives in the Legislature, and for all State, District and County officers, who are to be elected by the people under this Constitution.

III. The said election for State, District and County officers, shall be conducted under the same regulations as the election for the ratification or rejection of the Constitution, and by the same persons. The returns of elections shall be made to the Commanding General, who shall give certificates of election to the persons chosen for the respective offices. The officers as elected shall commence the discharge of the duties of the office for which they have been chosen, as soon as elected and qualified, in compliance with the provisions of the Constitution herewith submitted, and shall hold their respective offices for the term of years prescribed by the Constitution, beginning from the day of their election, and until their successors are elected and qualified.
IV. An election for members of the United States Congress shall be held in each Congressional District as established by this Convention, at the same time and place as the election for ratification or rejection of the Constitution. Said election shall be conducted by the same persons and under the same regulations as before mentioned in this declaration. The returns shall be made to the Commanding General, who shall give the persons chosen certificates of election.

V. The members of the Legislature, elected under this declaration, shall assemble at the Capitol, in the City of Austin, on the 2d Monday in September, A. D. 1869.

VI. The Commanding General of this Military District is requested to enforce this declaration.

Attest: 
WM. V. TUNSTALL, 
Secretary of Convention.

ED. J. DAVIS, 
President of Convention.

DELEGATES. 
COUNTRIES.
Erwin Wilson, ............... Brazoria County.
Jas. W. Thomas, ............. Collin and Denton.
P. P. Adams, ............... Henderson and Anderson.
James Russell Burnett, ...... Houston and Trinity.
Armistead T. Monroe, ...... Houston and Trinity.
W. Frank Carter, ............... Parker, Tarrant, &c.
Wm. Keigwin, .................. Leon County.
B. W. Gray, .................. Red River and Titus.
Cad T. Duval Harn, ........ Grimes, Walker and Madison.
W. H. Posey, .................. Lavaca.
A. P. McCormick, ............. Brazoria, Matagorda, Wharton and Fort Bend.
J. G. Bell, .................. Austin County.
T. H. Mundine, ............... Burleson.
John Morse, .................. San Augustine, Shelby, Newton and Sabine.
Arvin Wright, ............... Ellis, Tarrant, Parker, Palo Pinto and others.
A. J. Hamilton, ............. Travis and Caldwell.
J. Schutze, .................. Bastrop and Fayette.
A. P. Kirk, .................. Erath, Hood and Johnson.
D. P. Cole, .................. Hopkins.
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<th>DELEGATES</th>
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<tr>
<td>J. R. Scott</td>
<td>Hopkins and Lamar.</td>
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<td>Travis and Caldwell.</td>
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<td>and Newton.</td>
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<td>A. Buffington</td>
<td>Grimes, Walker and Madison.</td>
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<td>E. C. Rogers</td>
<td>Fannin and Hunt.</td>
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<td>M. L. Armstrong</td>
<td>Lamar.</td>
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<td>Loring P. Harris</td>
<td>Upshur and Wood.</td>
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<td>Lemuel Dale Evans</td>
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<td>Wm. R. Fayle</td>
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<td>A. M. Bryant</td>
<td>Grayson and others.</td>
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<td>Wm. H. Fleming</td>
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<td>G. M. L. Sorelle</td>
<td>Hill, Navarro and Limestone.</td>
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<td>Chas. J. Stockbridge</td>
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<td>Stephen Curtis</td>
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<td>Benjamin O. Watrous</td>
<td>Washington.</td>
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<td>Mitchell Kendal</td>
<td>Harrison.</td>
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<td>Wiley Johnson</td>
<td>Harrison.</td>
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<td>J. McWashington</td>
<td>Montgomery.</td>
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<td>Richard E. Talbot</td>
<td>Williamson and Burnet.</td>
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<tr>
<td>Wm. J. Phillips</td>
<td>Wharton and Matagorda.</td>
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<td>M. Priest</td>
<td>Cherokee and Angelina.</td>
</tr>
</tbody>
</table>
INDEX TO CONSTITUTION.

A

ABSENCE—
from State, or United States................................................. 35

ACUSED—
bailable, when ................................................................. 5
how holden to answer on criminal charge................................. 5
to be heard in defence.......................................................... 4
to have compulsory process for witnesses................................. 5
to be confronted with witnesses.............................................. 4

ADDRESS—
right of, ............................................................................ 6
removal by, ......................................................................... 41

ADJOURNMENT .................................................................. 9–10

ADMINISTRATION—
letters of, .......................................................................... 24

ADVERSE POSSESSION—
as against married women, infants and insane.......................... 36

AFFIDAVIT—
of probable cause, for search.............................................. 4

AGENCIES OF IMMIGRATION................................................... 33

APPEALS—
from interlocutory judgments................................................ 22
in criminal cases..................................................................... 22

APPORTIONMENTS—
for Representative and Senatorial districts............................... 8–14
APPORTIONMENTS—continued.
new, to be made how often ........................................ 8
Senatorial districts not to be separated ......................... 8-9

APPROPRIATIONS—
for internal improvements ........................................ 35
for private purposes .................................................. 35
term for which made .................................................. 35

APPROPRIATIONS FOR IMMIGRATION—
to what devoted ....................................................... 33

ARBITRATION ................................................................. 35

ARCHIVES—
of land titles ......................................................... 20

ARMS—
right to keep and bear ................................................ 5

ARREST—
by Legislature ............................................................ 10
electors privileged from, at election ............................... 7
exception to this .......................................................... 7
members of Legislature privileged from, ......................... 10
exceptions to this ........................................................ 10

ASSEMBLY—
right of ................................................................. 6

ASSSESSORS AND COLLECTORS .................................... 38
who to be ............................................................... 38
to receive instructions from Comptroller ......................... 20
delinquent, annual list of ............................................. 20
to return annual list of tax payers ................................ 20

ATTENDANCE—
of members of Legislature may be compelled ............... 9

ATTORNEY GENERAL—
appointment, qualifications, term of office, residence and duties of, 20
impeachment of ......................................................... 29
# Bail and Bailable Offenses

bail not to be excessive.

5

# Bills

- how originated, amended and passed.
- rejected—not to pass during same session.
- to be presented to Governor for approval.
- proceedings thereon.
- reconsideration of.
- if not returned within five days—what.
- if presented one day before adjournment.
- of appropriations in bills, approval, &c.

21

# Bills of Attainder

5

# Bill of Rights

- U. S. Constitution, laws and treaties, supreme.
- social compacts may be formed.
- no religious tests required.
- no exclusive privileges.
- of worship and support of ministry.
- of conscience and religion.
  - protection of religious denominations.
  - liberty of speech and the press.
- truth of publication may be given in evidence.
- jury to determine law and facts, when.
- of seizures and searches.
  - speedy public trial before jury.
  - giving evidence against one’s self.
  - being heard by self and counsel.
  - witnesses, in favor of accused.
  - trial on indictment and information.
  - bail and habeas corpus.
- excessive fines and punishment.
- remedy by law.
  - of jeopardy of life, and trial after verdict.
  - inviolability of trial by jury.
  - keeping and bearing arms.
  - bills of attainder, ex post facto laws, &c.
  - equality of persons before the law.
  - life, liberty and the franchise.
  - military and civil authority.

5–6
BILL OF RIGHTS—continued.
perpetuities, monopolies, primogenitures, &c. .......... 6
right of assembly and petition. ....................... 6
coolies, peonage and slavery ......................... 6

BIRTHS—
to be recorded ...................................... 38

BOARD OF IMMIGRATION ............................... 33

BRIBERY—
of members of Legislature .......................... 11
laws to exclude from office and suffrage for .......... 34

C

CAPITAL AND CAPITOL—(See "Seat of Government.")

CAPITAL PUNISHMENT—
imprisonment for life may be substituted for .......... 24–26
death penalty, for what offenses ........................ 26

CERTIFICATES—
of Secretary of Convention ......................... 43
of Commission ........................................ 47
of Elections, to be returned to Commanding General .. 45–46

CHALLENGES .......................................... 34

CHIEF JUSTICES—(See "Supreme Court" and "Justices of Peace.")
of Counties, to receive returns, ......................... 15

CHILDREN—
adoption of .......................................... 36

CLERK—
of Supreme Court, term of office, bond of, and removal of; . 23
of District Court, how elected, term of office, duties of, and removal of, ......................... 24

COHABITATION ........................................ 88

COLLECTORS—
who are ............................................ 88
Collectors—continued.
ineligible to Legislature ........................................ 11

Commander-in-Chief ........................................... 17

Commanding General—
to prescribe place and regulations for holding elections for ratification of Constitution ............................... 45
Returns to be made to, ........................................ 45
of State, District and County officers, also Congressional .......... 45-46
Certificates of their election to be given by him ..................... 45-46
requested to enforce declaration ................................ 46

Commissions—
to be in name of the State ....................................... 19
how signed, sealed and attested . ................................ 19
of Sheriffs and Justices of the Peace ............................... 27

Commissioner of General Land Office—
election, qualification, term of office, duties of, ...................... 20
impeachment of .................................................... 29

Compensation—
of members of Legislature ...................................... 11-12
of Governor .......................................................... 17
of Lieutenant Governor ............................................. 19
of President of the Senate for time being ........................... 19
of Secretary of State ................................................. 21
of Comptroller ......................................................... 21
of Treasurer ............................................................ 21
of Commissioner of Land Office .................................... 21
of Judges of Courts .................................................. 25
of District Attorney .................................................. 25
of Sheriff ............................................................... 27
of District Clerks ...................................................... 27
of Justices of the Peace .............................................. 27
of other officers, agents and contractors ......................... 34-35
deductions from salaries—when made ............................... 35
salaries not to be paid—when ..................................... 41

Complaints .......................................................... 23

Comptroller of Public Accounts—
election of ......................................................... 19
qualifications ......................................................... 19
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comptroller of Public Accounts—continued.</td>
<td>20</td>
</tr>
<tr>
<td>term of office</td>
<td>20</td>
</tr>
<tr>
<td>duties</td>
<td>29</td>
</tr>
<tr>
<td>impeachment of,</td>
<td></td>
</tr>
<tr>
<td>Compulsory Process—</td>
<td>4-5</td>
</tr>
<tr>
<td>for obtaining witnesses</td>
<td></td>
</tr>
<tr>
<td>Congressional Districts</td>
<td>44</td>
</tr>
<tr>
<td>Congressional Elections</td>
<td>46</td>
</tr>
<tr>
<td>Conscience—</td>
<td>4</td>
</tr>
<tr>
<td>right of,</td>
<td></td>
</tr>
<tr>
<td>no religious test as qualification for office</td>
<td>4</td>
</tr>
<tr>
<td>in matters of worship and its support</td>
<td>4</td>
</tr>
<tr>
<td>Constables—</td>
<td>26</td>
</tr>
<tr>
<td>to serve process, when</td>
<td></td>
</tr>
<tr>
<td>appointment of,</td>
<td>27</td>
</tr>
<tr>
<td>term of office</td>
<td>27</td>
</tr>
<tr>
<td>removal of,</td>
<td>27</td>
</tr>
<tr>
<td>Constitution—</td>
<td>42</td>
</tr>
<tr>
<td>the Legislature to give effect to,</td>
<td></td>
</tr>
<tr>
<td>amendments</td>
<td>42</td>
</tr>
<tr>
<td>Election for ratification or rejection of,</td>
<td>45</td>
</tr>
<tr>
<td>when and where held</td>
<td></td>
</tr>
<tr>
<td>vote, what to be</td>
<td>45</td>
</tr>
<tr>
<td>provisions as to,</td>
<td></td>
</tr>
<tr>
<td>returns to be made to Commanding General</td>
<td>45</td>
</tr>
<tr>
<td>Constitution of the United States—</td>
<td>3</td>
</tr>
<tr>
<td>together with the laws and treaties made in pursuance thereof,</td>
<td></td>
</tr>
<tr>
<td>acknowledged to be the supreme law</td>
<td>3</td>
</tr>
<tr>
<td>this Constitution in harmony with, and subordinate to,</td>
<td></td>
</tr>
<tr>
<td>Contested Elections</td>
<td>9</td>
</tr>
<tr>
<td>Contracts—</td>
<td>5</td>
</tr>
<tr>
<td>obligation of, not to be impaired by law</td>
<td>5</td>
</tr>
<tr>
<td>no law against enforcement of,</td>
<td></td>
</tr>
</tbody>
</table>
COOLIES—
importation of, prohibited .................................................. 6

CORONERS—
(See "Justice of the Peace.")

COUNTIES—
New Counties, establishment of ........................................ 37
size of ............................................................................. 37
number of qualified jurors in .............................................. 37
suffrage ........................................................................... 37
size of old counties ........................................................... 37
qualified jurors in ............................................................. 37
counties united, when ....................................................... 38
to provide poor houses ...................................................... 38

COUNTY COMMISSIONERS—
(See "Justice of the Peace.")

COURTS—
to be open to all persons .................................................. 5
Criminal ........................................................................... 22
District ............................................................................. 22 to 28
Justice and Police ............................................................ 22 to 28
Supreme ............................................................................ 22 to 28

CRIMINAL CASES—
jury to assess fines and impose punishment in ........................ 24
exceptions to this ............................................................. 24

D

DANGEROUS DISEASE ............................................................. 17

DEATHS—
to be recorded .................................................................. 38

DEBT—
imprisonment for, forbidden ............................................. 5
of State or County—sinking fund for .................................. 37
of State, created during rebellion, null and void .................. 40
Legislature prohibited from paying such ............................. 40
of unpaid balances at beginning of rebellion ....................... 40
DECLARATION —
establishing Congressional Districts. ................................. 44
for elections ................................................................. 44

DEDUCTIONS —
from salaries, when made .................................................. 35

DISFRANCHISEMENT .......................................................... 6

DISQUALIFICATIONS —
of Judges to sit on trials .................................................. 25
proceedings on ................................................................. 25
exchanges, because of ....................................................... 25
appointments, because of ................................................... 25
of voters .............................................................. 25

DISTRIBUT —
Senatorial .............................................................. 8, 9, 13, 14, 15–16
Representative ............................................................... 8, 9, 13, 14, 15–16
apportionment of Senators and Representatives .................. 14
returns to be received by Chief Justices .............................. 15
Judicial ................................................................. 23
Congressional ................................................................. 44

DISTRICT ATTORNEY —
to receive instructions from Attorney General ..................... 20
election of, term of office, and salary ................................. 25

DISTRICT COURT —
State to be divided into Judicial Districts ............................. 23
one Judge for each district ............................................... 23
appointed by Governor and Senate .................................... 23
term of office ................................................................. 23
residence of ................................................................. 23
terms of court ............................................................... 23
election to be had as to election of Judges after July 4, 1876 .... 23
Jurisdiction ................................................................. 23–24
writ of habeas corpus, and other writs ................................. 23
appellate, jurisdiction of ............................................... 23
original and exclusive jurisdiction in, what ......................... 23
Clerk of ................................................................. 23
how elected ................................................................. 23
how removed ............................................................... 23
duties of, as to estates of lunatics, idiots, minors and persons of
District Court—continued.
unsound mind ........................................ 24

to be Clerk of Police and County Courts .......... 24

Judges, how removed ................................. 24–25

not to sit in certain cases ............................ 25

who to sit in such cases ............................... 25

cases to be transferred, when ....................... 25

sessions of ............................................. 28

Division of the Powers of Government ............... 7

Divorce .............................................. 36–40

Duellng ............................................... 34

Elections—

for State, County and District officers, where ......... 8

polls, to be open, how long ........................... 8

to be general .......................................... 12

for Judges ............................................ 23

by ballot, when ....................................... 34

in Legislature, how .................................... 34

contested .............................................. 9

returns to Commanding General, when ............... 45, 46

of Representatives ................................... 8, 9

of Senators ........................................... 8, 9

for ratification of Constitution, 
provisions concerning .................................. 45

of State officers at time of Constitutional, provisions for .... 45

for members of Congress ............................. 46

Declarations

for Constitutional ratification ......................... 45

Senatorial and other officers ......................... 45

Electors—

who are, residence of, registration of, ............... 7, 8

where may vote, privilege from arrest, when ......... 7, 8

dueling, effect on ..................................... 34

conviction of certain crimes, effect on ............... 34

Eligibility to Office—

none but voters eligible ................................ 9

of members of Legislature ........................... 8, 9
Eligibility to Office—continued.
  of members, to other offices ........................................... 11

Endowment—
  of school fund ............................................................. 30

Entailment—
  law of; not allowed ...................................................... 6

Equality before the Law—
  no person deprived of rights because of color, race and previous
  condition ........................................................................... 6

Equal Rights ................................................................. 4

Equity ............................................................................. 26

Escheats—
  to be in charge of Comptroller ......................................... 20
  recovery of, ...................................................................... 23

Estates—
  of deceased persons ......................................................... 24

Executions—
  to issue after adjournment, how ...................................... 13

Executive Department—
  consists of what ................................................................ 16
  how elected ........................................................................ 16
  terms of office in, ............................................................. 16
  powers and duties of ......................................................... 17, 18, 19, 20

Exile ................................................................................. 6

Ex Post Facto Law ............................................................ 5

Expulsion—
  and punishment of members of Legislature ....................... 9
  for bribery ......................................................................... 11

Felony—
  definition of, tried for, punishment of ............................... 26
FELONY—continued.
of fines of less grade, how tried........................................ 26
FINES AND FORFEITURES—
may be remitted, when.................................................. 18
when assessed by jury..................................................... 24
FISCAL AFFAIRS—
to be in charge of Cromptroller..................................... 20
FORFEITURES—
recovery of.............................................................. 23
FORGERY................................................................. 34
FRAUDS—
towards loyal persons during rebellion, how redressed......... 40

GENERAL COMMANDING—
(See "Commanding General.")......................................... 45

GENERAL PROVISIONS................................................... 34

GOVERNMENT—
departments of......................................................... 7–16
GOVERNOR—
election of.............................................................. 16
inauguration of........................................................... 17
salary of................................................................. 17
to be Commander-in-Chief of militia................................ 17
exception thereto.......................................................... 17
may require information from executive officers.................. 17
may fill vacancies, when............................................... 17
may convene Legislature, when...................................... 17
shall give information to Legislature................................ 17
to have laws faithfully executed..................................... 17
may grant reprieves and pardons, when.............................. 18
may remit fines and forfeitures, when............................... 18
may respite sentences, when, and how long......................... 18
must file reasons therefor.............................................. 18
shall make nominations to fill vacancies in Legislature, when.. 18
shall not nominate rejected persons, when......................... 18
shall reside, where..................................................... 18
shall hold no other office.............................................. 18
GOVERNOR—continued.
shall call out militia, when................................. 28
impeachment of.............................................. 29

GUARDIANS—
appointment of............................................. 24
settlement with............................................. 24

H
HABEAS CORPUS—
not to be suspended except by act of Legislature, &c. .......... 5
to be issued by Supreme and District Courts.................... 23

HOMESTEADS—
when located, size of........................................ 33
exempt from forced sales..................................... 36
exceptions.................................................... 36
consent of wife............................................. 36

HOMICIDES—
by person, corporation or company............................ 38–39
exemplary damages for....................................... 39
by whom recoverable........................................ 39

HOUSE OF REPRESENTATIVES AND SENATE—
Members—how chosen, term of office.......................... 8
privileged from arrest, (and exceptions,)........................ 10
compensation of............................................. 11–12
ineligibility to certain offices................................ 11
expulsion of.................................................. 11
ineligibility of certain persons to be,.......................... 11
bribery of..................................................... 11–12
sessions, annual............................................. 8
qualifications of Legislature................................... 8–9
House to consist of ninety members............................. 8
to elect Speaker and other officers............................ 9
each House is to be judge of election and qualifications of its own members........................................ 9
contested elections determined by law.......................... 9
two-thirds constitute quorum.................................. 9
less may adjourn............................................. 9
may compel attendance of members............................ 9
may determine rules of order.................................. 9
may punish and expel members, how......................... 9
HOUSE OF REPRESENTATIVES AND SENATE—continued.
shall keep journals and publish same ........................................... 9
yeas and nays, when to be entered on journals ................................... 9
members may dissent, protest, &c ........................................... 9
vacancies, how filled .................................................. 9
may punish persons not members, when and how .................... 10
sessions open, when ................................................... 10
adjournment ..................................................... 10
origination, passage or rejection of bills ...................................... 10
not to pass private or special laws ....................................... 10
not to vacate roads and streets ........................................... 10
rejected bills not to pass, or substance ..................................... 10
not to authorize lotteries ................................................... 11
elections to be general ...................................................... 12
number of Senators, how apportioned ....................................... 12
election of United States Senators by, ..................................... 12
impeachment in ......................................................... 29

HUSBAND AND WIFE—
who are ................................................................. 38

I

IDIOTS—
estates of ................................................................. 24

IMMIGRATION—
Bureau, its objects ................................................................. 33
Board, its duties and powers ................................................... 33
Superintendent, his duties and powers ................................. 33
Agencies, where and for what ........................................... 33
Appropriations, objects of ......................................................... 33

IMPEACHMENT—
power of, where vested ................................................... 28
of the Governor .................................................. 29
of the Secretary of State .................................................. 29
of the Treasurer .................................................. 29
of the Comptroller .................................................. 29
of the Judges .................................................... 29
judgment in case of .................................................. 29
officers to be suspended in, when ........................................... 29

IMPRISONMENT FOR DEBT—
prohibited ................................................................. 5
IMPRISONMENT FOR DEBT—continued.  
for life, may be substituted for capital punishment .......... 24

INAUGURATION OF GOVERNOR ........................................... 17

INDICTMENT—  
trial on, in cases of felony ............................................. 26

INELIGIBILITY—  
of Senators and Representatives ......................................... 11  
of persons holding offices of profit and trust ....................... 11  
of Collectors and others .................................................... 11  
of members of Congress and others to State Legislature ........... 35

INFANTS—  
rights of ................................................................. 36

INFORMATION—  
by the Governor .......................................................... 17

INJURIES—  
remedy for ................................................................. 5

INSANE PERSONS—  
rights of ................................................................. 36

INTEREST—(See "Usury.")

INTERNAL IMPROVEMENTS—  
in counties, taxes for .................................................... 39

J

JEOPARDY OF LIFE .......................................................... 5

JOURNALS OF LEGISLATURE .............................................. 9

JUDGES, District—  
appointed, how .......................................................... 23  
provision for election of ................................................... 23  
term of office ............................................................... 23  
residence ................................................................. 23  
how removed ............................................................... 24  
not to sit, when ........................................................... 25
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judges, District—continued.</td>
<td>disqualifications to sit.</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>exchanges</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>salary</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>impeachment</td>
<td>29</td>
</tr>
<tr>
<td>Supreme—</td>
<td>number of,</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>appointment or election of,</td>
<td>22–23</td>
</tr>
<tr>
<td></td>
<td>how classed</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>presiding judge</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>vacancies in,</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>removals of,</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>not to sit, when</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>disqualifications to sit.</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>salary</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>impeachment</td>
<td>29</td>
</tr>
<tr>
<td>Judgments, Intercutory—</td>
<td>appeals from,</td>
<td>22</td>
</tr>
<tr>
<td>Judicial Department—</td>
<td>where vested,</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Supreme Court</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Criminal Court</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>District Court</td>
<td>23–24</td>
</tr>
<tr>
<td></td>
<td>Justices of the Peace</td>
<td>26–27</td>
</tr>
<tr>
<td>Jurisdiction—</td>
<td>of Supreme Court</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>of District Court</td>
<td>23–24</td>
</tr>
<tr>
<td>Jurors—</td>
<td>who are qualified</td>
<td>41</td>
</tr>
<tr>
<td>Jury—</td>
<td>to determine law and evidence, when</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>speedy and public trial before,</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>trial by</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>to assess fines and impose punishments, when</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>powers over capital punishment, what</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td>trials by, in law and equity, when</td>
<td>26</td>
</tr>
<tr>
<td>Justices of the Peace—</td>
<td>election of,</td>
<td>24</td>
</tr>
</tbody>
</table>
JUSTICES OF THE PEACE—continued.

term of office and residence ........................................ 27
to constitute court .................................................. 27
jurisdiction .............................................................. 27
terms of Court .......................................................... 27
presiding justice ....................................................... 27
justices to be notaries and coroners ............................... 27
to appoint constables ................................................ 27
justices commissioned, how ........................................ 27
compensation and fees of .......................................... 27
trials and juries before, ............................................ 27
to assess taxes ......................................................... 38

JUSTICES' PRECINCTS .................................................. 27

LAND—
suits to recover, .................................................... 23
titles ................................................................. 20–32

LAND PUBLIC—
titles ................................................................. 32
surveys not returned .................................................. 32
sales for taxes ........................................................ 37
sales of, under decree of court ................................. 41
heretofore given to counties ..................................... 31
heretofore reserved for railroads ............................... 32
located after October 30, 1856 ................................. 32
certificates to be returned before January, 1875 ........ 32
only to be granted to actual settlers .......................... 32
not over 160 acres at one time ................................ 32
mineral lands .......................................................... 33
homesteads donated ................................................. 33

LAND CERTIFICATES—
to be surveyed and returned, when ........................... 32
vacated, when ......................................................... 32

LAND OFFICE, GENERAL—
titles kept in .......................................................... 32

LAND OFFICES, SUBORDINATE—
may be created ....................................................... 32
LAW AND EQUITY ................................................. 26
LAW OF ENTAILMENT ........................................... 6
LAW, EX POST FACTO ............................................. 5
LAW IMPAIRING OBLIGATION OF CONTRACTS ............. 5
LAW OF PRIMOGENTURE ......................................... 6
LAW RETRO-ACTIVE ................................................ 5
LAWS DURING REBELLION ........................................ 39

LAW—
to be revised and digested, when .......................... 40
suspension of ....................................................... 6
private and special .............................................. 10–36
to be executed by Governor .................................. 17
to embrace but one subject .................................... 36
not to be revised or amended by title ....................... 36

LEGISLATIVE DEPARTMENT—
what, how composed, powers, privileges and duties ... 7 to 13
style of ............................................................... 7
election of ........................................................... 8
eligibility of members .......................................... 8–9
vacancies in ......................................................... 9
origination and passage of bills by ......................... 10
ineligibility of members to other offices ................. 11
ineligibility .......................................................... 11–35
elections to, how regulated ................................. 12
seat of government, how fixed .............................. 12
(See also "House of Representatives.")

LEGISLATURE—
how convened ..................................................... 17
in case of dangerous disease or public enemy, how .... 17
by Secretary of State, when ................................ 19
during rebellion .................................................. 39
Provisional, of 1866 ........................................... 39
to give effect to Constitution .................................. 42
may propose amendments to Constitution .............. 42
Legislature—continued.
elected under this Constitution, to convene on second Monday of
September, 1869. ........................................ 45

Legitimacy ............................................. 38

Libels—
in prosecutions for, jury to determine facts. ...................... 4
in prosecutions for publication of papers, investigating official
conduct, the truth may be given in evidence ...................... 4

Liberty of Conscience .................................. 4

Liberty of Speech and of the Press ......................... 4
deprivation of, ........................................ 6

Lien—
suits on, ............................................ 23
for taxes ............................................. 37
on articles manufactured, labor and materials ................. 42

Lieutenant Governor—
how and when elected .................................. 18
to be President of the Senate ............................... 18
to give casting vote ................................... 18
to exercise powers of Governor, when ....................... 19
in case of death or inability .............................. 19
compensation ......................................... 19

Life—
no person to be deprived of, except ......................... 5, 6

Limitations, Statute of—
against married women, infants and insane persons .......... 36
suspension of, ........................................ 41

Liquors—
sale of, ............................................. 42

Lotteries and Lottery Tickets ........................... 11, 40

Lunatics—
estates of, ........................................ 24
M

MANDAMUS—
and other writs—issued by Supreme and District Courts ........ 23

MARRIAGES—
to be recorded ........................................ 38

MARRIED WOMEN—
rights of .............................................. 36

MATRIMONY—
rights in .............................................. 38

MECHANICS AND ARTISANS—
lien of .................................................. 42

MILITARY—
subordinate to civil authority .......................... 6

MILITIA—
may be called out by Governor, when ............... 28

MINERALS ............................................. 33

MINISTER OF THE GOSPEL—
accepting seat in Legislature ........................ 39

MINISTRY—
not to be maintained against consent ............... 4

MINORS—
estates of ........................................... 24
emancipation of ........................................ 36

MONEY—
how drawn from Treasury ............................. 35
account of receipts and expenditures ................. 35
Treasury warrants and notes not to circulate as, .... 35

MONEY BILLS—
how passed ............................................ 10

MONEY, PUBLIC—
by whom kept ......................................... 20
MONEY—
Warrants for, .............................................. 20
    to whom drawn ........................................ 20
    countersigned by whom ............................... 20

MONOPOLIES—
    not to be allowed ..................................... 6

NEGLECT—
    of duty of public officers .......................... 35

NOTARIES PUBLIC— (See "Justices of the Peace."

NULL AND VOID—
    ordinance of secession is, .......................... 39
    laws arising thereunder are, ........................ 39
    provisions therefor .................................. 39
    debts created by State during the rebellion are, 40

OATH—
    of members of the Legislature ..................... 34

OFFICES—
    duration of, .......................................... 40

OFFICES—
    where kept ........................................... 36
    of profit and trust .................................. 11
    what are not so deemed .............................. 11
    two not to be held in certain cases .............. 11
    may be in county offices ............................ 11
    duties to be performed, how long ................ 36

ORDERS—
    to go to Governor, what ............................ 21

OUTLAWRY .................................................. 6

PARDONS—
    may be granted by Governor, when ................. 18
<table>
<thead>
<tr>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalties</td>
<td>23</td>
</tr>
<tr>
<td>recovery of</td>
<td></td>
</tr>
<tr>
<td>Pensions</td>
<td>38</td>
</tr>
<tr>
<td>Peonage</td>
<td>6</td>
</tr>
<tr>
<td>prohibited</td>
<td></td>
</tr>
<tr>
<td>Perjury</td>
<td>34</td>
</tr>
<tr>
<td>Perpetuities</td>
<td>6</td>
</tr>
<tr>
<td>not allowed</td>
<td></td>
</tr>
<tr>
<td>Personal Equality</td>
<td>6</td>
</tr>
<tr>
<td>Petition</td>
<td>6</td>
</tr>
<tr>
<td>right of</td>
<td></td>
</tr>
<tr>
<td>Petty Offenses</td>
<td>38</td>
</tr>
<tr>
<td>punishment of</td>
<td></td>
</tr>
<tr>
<td>Polls</td>
<td>8</td>
</tr>
<tr>
<td>for State, County, and District elections</td>
<td></td>
</tr>
<tr>
<td>where opened, and for how long</td>
<td></td>
</tr>
<tr>
<td>Poor Houses</td>
<td>38</td>
</tr>
<tr>
<td>Established</td>
<td></td>
</tr>
<tr>
<td>what kind, and what for</td>
<td></td>
</tr>
<tr>
<td>committed to, for petty offences</td>
<td></td>
</tr>
<tr>
<td>Powers of Government</td>
<td>7</td>
</tr>
<tr>
<td>divided into three departments</td>
<td></td>
</tr>
<tr>
<td>powers of each, how exercised</td>
<td></td>
</tr>
<tr>
<td>Legislative</td>
<td>7 to 13</td>
</tr>
<tr>
<td>Executive</td>
<td>16 to 20</td>
</tr>
<tr>
<td>Judicial</td>
<td>21 to 28</td>
</tr>
<tr>
<td>Preamble</td>
<td>3</td>
</tr>
<tr>
<td>of Bill of Rights</td>
<td></td>
</tr>
<tr>
<td>Press</td>
<td>4</td>
</tr>
<tr>
<td>liberty of</td>
<td></td>
</tr>
<tr>
<td>Priests</td>
<td>39</td>
</tr>
<tr>
<td>accepting seats in Legislature</td>
<td></td>
</tr>
</tbody>
</table>
xxii

PRIMOGENTITURE—
  law of, not allowed ................................................. 6

PRISONERS—
  bailable when, and how ........................................... 5

PRIVILEGES—
  of exclusive, ............................................................ 4

PROCESS—Compulsory .................................................... 4–5

PROTEST—
  by members of Legislature ........................................ 9

PUBLIC ENEMY ........................................................... 17

PUBLIC USE—
  property, how taken for, .......................................... 5

PUNISHMENTS—
  cruel and unusual, not to be inflicted ............................. 5

Q

QUORUM ................................................................. 9

R

RATIFICATION—
  of Constitution ....................................................... 44

REGISTER—
  official, to be kept by Secretary of State ......................... 19
  to be laid before Legislature, when .............................. 19

REGISTRATION OF ELECTORS ........................................ 7

RELIGIOUS SOCIETIES—
  no preference to be given by law ................................. 4
  laws for protection of, to be passed .............................. 4

RELIGIOUS TEST—
  not required as qualification for office .......................... 4
REMEDY—
by due course of law ........................................ 5

REMONSTRANCE—
right of, ...................................................... 6

REMOVALS—
Clerks of Supreme Court ...................................... 23
Clerks of District Court ......................................... 24
Constables ......................................................... 27
County and District officers ................................... 27
State officers, by impeachment and otherwise .......... 29
Civil officers, by address ....................................... 41

REPRESENTATIVES—
to Legislature, (See "House of Representatives.")
qualifications, how elected ..................................... 8
House to consist of ninety members ......................... 8
attendance may be compelled .................................. 9
punishment and expulsion of members ....................... 9

REPIEVES—
granted by governor, when ................................... 18

RESIDENCE—
of electors .................................................... 7
of Governor ...................................................... 18
of Attorney General ............................................ 20
of Justice of Peace ............................................. 27

RESIDENCE—
of District Judges .......................................... 23

RESOLUTIONS—
what to go to Governor for approval ......................... 21

RETURNS—
to be made to Commanding General, when .............. 44–45

REVISION OF LAWS ........................................... 40

RIGHT OF ASSEMBLY ........................................... 6

RIGHT OF CONSCIENCE ....................................... 4
RIGHT OF PETITION

6

RIGHTS —
of married women .................................................. 36
of infants ................................................................. 36
of insane persons ...................................................... 36
Private—not affected, when ........................................... 39

ROADS AND BRIDGES ................................................ 41
streets ........................................................................ 41
how vacated .................................................................. 10

RULES OF ORDER—
of Legislature, how determined ................................. 9

S

SALARIES—(See "Compensation.")

SCHOLARS—
who are, ...................................................................... 29, 30
compulsory attendance of, ............................................ 30

SCHOOL BOARD ......................................................... 30

SCHOOL DISTRICTS .................................................. 30, 31

SCHOOL FUND ......................................................... 30, 31, 32

SCHOOLS, PUBLIC —
Legislature to make provisions for, ................................ 29, 30
to be free, ..................................................................... 29
ages of scholars ............................................................ 29
Superintendent of —
his appointment and election ........................................ 29
term of office, and salary .............................................. 29
duties of, ...................................................................... 30
board of directors ....................................................... 30
attendance of scholars ................................................ 30, 31
fund ............................................................................. 30
houses .......................................................................... 31

SCHOOL HOUSES .................................................... 31
SEAL, on Commissions
of State, what, by whom kept

SEAMEN AND MARINES, not voters, (United States Navy)

SEAT OF GOVERNMENT—
settlement of

SECESSION—
Ordinance, null and void
laws founded thereon null and void
Legislatures from 1861 to 1866, without authority
provisions concerning,
private right not affected
of the Provisional Legislature of 1866

SECRETARY OF STATE—
how appointed
term of office
duties of
impeachment of

SEIZURES AND SEARCHES
security from
warrant for

SENATE AND SENATORS—
how chosen
term of office
how classed
expiration of terms
number of Senators
qualifications and eligibility
new apportionment for
(See "House of Representatives" for powers of each House.)
President of Senate, who

SENATORS, UNITED STATES—
election of

SENTENCE—
may be respited, when
SERVITUDE—
  involuntary, except as punishment for crimes, prohibited. 6

SESSIONS—
  of Supreme Court 23
  of District Court 23
  of Justices’ Courts 27
  of Legislature 8, 10–17

SHERIFFS—
  election, term of office and salary of 26
  incompetency and removal of 26
  commissioning of 27
  fees and compensation of 27
  to collect taxes 38

SINKING FUND—
  for redemption of State or County debt 37

SLANDER—
  of evidence in certain cases 4

SLAVERY—
  prohibited 6

SOLDIERS—
  not to be quartered, where 41

SOLDIERS, UNITED STATES—
  not voters 7

SPEAKER OF THE HOUSE—
  how elected 34

SPEECH, LIBERTY OF 4

STATE GOVERNMENT—
  Departments of, three 7
    of Legislative 5
    of Judicial 22
    of Executive 16

STREETS AND ROADS—
  vacation of 10
Streets and Roads—continued.
repairs of, ........................................... 41

Style—
of laws ........................................... 7
of Legislature ....................................... 7
of writs and process ................................ 26

Submission of Constitution ........................ 44–45

Subordination—
of this Constitution to the Constitution, laws and treaties of the
United States ......................................... 3
of military to civil authority ......................... 6

Suffrage—
voters, who are ....................................... 28
age and residence of .................................. 28
disqualification of ..................................... 28
free suffrage supported and protected .............. 34
dueling, effect on ...................................... 34
bribery, perjury and forgery, effect on .............. 34
absence from State .................................... 35

Superintendent—
of Immigration—
appointment of ...................................... 33
salary of .............................................. 33
duties of .............................................. 33

of Public Instruction—
appointment and election of ........................ 29
term of office, salary and duties ...................... 29–30

Supreme Court—
Judges of ............................................ 22
how appointed ....................................... 22
term of office ........................................ 22
how classified ........................................ 22
vacancies, how filled .................................. 22

Jurisdiction—
appeals ............................................. 22
writs of habeas corpus ............................... 23
writ of mandamus and other writs .................... 23
facts may be inquired into, when .................... 23
SUPREME COURT—continued.
sessions .................................................. 23
Clerk, how appointed, and term of office ........ 23
how removed ............................................. 23
to give bond ............................................ 23

SURVEYS—
of surveys not returned ............................ 32

T

TAX AND TAXATION—
for school purposes ................................... 30–31
to be uniform and according to value ............. 37
on incomes and occupations ......................... 37
liens on taxed property .............................. 37
sale of real estate for, ................................. 41
for roads and bridges .................................. 41

TAX, POLL ........................................... 31

TEST—
religious, not required ............................... 4

TITLES—
vacation of ............................................. 32
of public lands, where kept ......................... 20

TRANSPORTATION OF IMMIGRANTS ....... 33

TREASON—
pardon of ................................................ 18

TREASURER OF STATE—
election and qualifications of ....................... 20
term of office of ...................................... 20
duties of .................................................. 20
impeachment of ........................................ 29

TREASURY NOTES AND WARRANTS—
not to issue for circulation as money ............. 35

TRIAL BY JURY ....................................... 4–5
in both law and equity, when ....................... 26
in cases of felony and other offenses ............ 26
Trial by Jury—continued.
in District Courts ........................................ 28
in Justices’ Courts ....................................... 27

Vacancy—
in Legislature, how filled .................................. 9
in Executive Department .................................. 17–18
in Supreme Court ......................................... 22
in District Court .......................................... 25–26

Venue—
change of .................................................... 35

Voters—(See “ELECTORS.”)

Votes—
what votes to go to Governor .............................. 21
by ballot ....................................................... 34
viva voce ...................................................... 34

Warrants—
Treasury, not to issue for circulation as money ........ 35
10 per cent. decree paid .................................. 40

Wills—
probate of .................................................... 24
letters testamentary ....................................... 24

Witnesses—
to be confronted with accused ........................... 4
compulsory process for .................................. 4–5

Worship—
natural and indefeasible right of, ......................... 4
attendance on .............................................. 4
erection and support of place of, ......................... 4

Writs—
served by Sheriff .......................................... 26
served by Constable ....................................... 26
(See “Mandamus.”)
(See “Habeas Corpus.”)
(See “Courts.”)
ERRATA.

Page 4, Section 7, first line: read "secure" instead of "secured."
Page 5, Section 10, second line: insert "the" before word "Legislature."
Page 5, Section 11, second line: for "punishments" read "punishment."
Page 6, Section 18, third line: for "entailment" read "entailments."
Page 6, Section 21, fourth line: for "burdens" read "burden."
Page 6, Section 22, fifth line: for "the State" read "this State."
Page 6, Section 22, eighth line: for "the State" read "this State."
Page 7, Article 3, Section 1, third line: for "intentions" read "intention."
Page 7, Article 3, Section 1, sixth line: for "the State" read "this State."
Page 7, Article 3, Section 1, tenth line: for "electors" read "elector."
Page 7, Article 3, Section 1, thirteenth line: for "elected" read "elected."
Page 7, Article 3, Section 2, second line: for "elections" read "election."
Page 8, Section 9, last word in first line: read "Senators" instead of "sections."
Page 8, Section 10, first line: read "thirty Senators" instead of "thirty-three Senators."

Page 9, Section 14, second line: for "this State" read "the State."
Page 9, Section 18, fourth line: for "reason" read "reasons."
Page 9, Section 19, fourth line: for "vacancy" read "vacancies."
Page 11, Section 31, sixth line: for "money" read "money."
Page 17, Section 7, tenth line: for "term of office" read "tenure of office."
Page 19, Section 17, fourth line: omit "the" before the words "official acts."
Page 20, fourth line from top: for "account current" read "accurate account."
Page 21, Section 35, third line: for "approves" read "approve."
Page 21, Section 26, eleventh line: insert "a" between words "become."

Page 21, Section 25, twenty-fifth line: omit "the" before "other bills."
Page 25, Section 14, first line: for "where a vacancy" read "when a vacancy."
Page 32, Section 6, second line: for "certificate" read "certificates."
Page 33, Section 8, second line: omit "the" before "owners of the soil."
Page 40, Section 34, second line: omit "A. D." after the word "January."
Page 41, Section 46, fifth line: omit "the" before "public roads."
Page 44, Section 46, second line from top of page: omit "the" before "public roads."