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CONSTITUTION

OF THE

STATE OF TEXAS,

ADOPTED BY THE

CONSTITUTIONAL CONVENTION,

BEGUN AND HELD

AT THE CITY OF AUSTIN,

ON THE

Sixth day of September, 1875.

OFFICIAL.

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CONSTITUTION OF THE STATE OF TEXAS.

PREAMBLE.

Humbly invoking the blessing of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.
Bill of Rights.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. All free men when they form a social compact have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship Almighty 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 society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

SEC. 8. Every person 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. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 9. The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause supported by oath or affirmation.

SEC. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or 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 a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.

SEC. 12. The writ of *habeas corpus* is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be

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required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature or created under its authority shall be subject to the control thereof.

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power by law to regulate the wearing of arms with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

SEC. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the power of government for redress of grievances or other purposes, by petition, address or remonstrance.

SEC. 28. No power of suspending laws in this State shall be exercised except by the Legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

The Powers of Government.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

Legislative Department.

SECTION 1. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

SEC. 2. The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when, or at any apportionment thereafter, the number of representatives may be increased by the Legislature, upon the ratio of not more than one representative for every fifteen thousand inhabitants, *provided*, the number of representatives shall never exceed one hundred and fifty.

SEC. 3. The senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the senators elected after each apportionment shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the senators shall be chosen biennially thereafter.

SEC. 4. 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 their election.

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SEC. 5. The Legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the governor.

SEC. 6. No person shall be a senator, unless he be a citizen of the United States, and, at the time of his election a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a representative, unless he be a citizen of the United States, and, at the time of his election a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President, *pro tempore*, who shall perform the duties of the lieutenant governor in any case of absence or disability of that officer, and whenever the said office of lieutenant governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members; and each house shall choose its other officers.

SEC. 10. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur 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 any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

SEC. 14. Senators and representatives shall, except in cases of 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 miles such member may reside from the place at which the Legislature is convened.

SEC. 15. Each house may punish, by imprisonment, during its sessions, 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.

SEC. 16. The sessions of each house shall be open, except the Senate when in executive session.

SEC. 17. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

SEC. 18. No senator or representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created or the emoluments of which may have been increased during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the Legislature; and no member of either house shall vote for any other member for any office whatever, which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, secretary of state, attorney general, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government shall, during the term for which he is elected or appointed, be eligible to the Legislature.

SEC. 20. 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 collections, or for all public moneys with which he may have been entrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either house.

SEC. 22. A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the house, of which he is a member, and shall not vote thereon.

SEC. 23. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant,

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and the vacancy shall be filled as provided in section 13 of this article.

SEC. 24. The members of the Legislature shall receive from the public treasury such compensation for their services, as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session; and after that not exceeding two dollars per day for the remainder of the session; except the first session held under this Constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land regardless of railways or water routes; and the comptroller of the State shall prepare and preserve a table of distances to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The State shall be divided into senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one senator, and no single county shall be entitled to more than one senator.

SEC. 26. The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the house is composed; *provided*, that whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for senators and representatives shall be general throughout the State, and shall be regulated by law.

SEC. 28. The Legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this Article; and until the next decennial census, when the first apportionment shall be made by the Legislature, the State shall be, and it is hereby divided into senatorial and representative districts as provided by an ordinance of the Convention on that subject.

PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

SEC. 31. Bills may originate in either house, and when passed by such house may be amended, altered or rejected by the other.

SEC. 32. No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals.

SEC. 33. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either house of the Legislature no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

SEC. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

SEC. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of

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the session at which it was enacted, unless in case of an emergency which emergency must be expressed, in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, or presented to them by the governor; and no such session shall be of longer duration than thirty days.

SEC. 41. 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.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

SEC. 43. The first session of the Legislature under this Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; *provided*, that in the adoption of and giving effect to any such digest or revision, the Legislature shall not be limited by sections 35 and 36 of this Article.

SEC. 44. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant, or public contractors, 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, when the same shall not have been provided for by pre-existing law; nor employ any one in the name of the State unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

SEC. 46. The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

SEC. 47. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

SEC. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State:

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith;

The support of the Blind Asylum, the Deaf and Dumb Asylum, and the Insane Asylum, the State Cemetery and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue, shall never exceed in the aggregate at any one time two hundred thousand dollars.

SEC. 50. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other; or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The Legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever; *provided*, that this shall not be so construed as to prevent the grant of aid in case of public calamity.

SEC. 52. The Legislature shall have no power to authorize any county, city, town, or other political corporation, or sub-division of the State, to lend its credit or to grant public money or thing of value, in aid of or to any individual, association, or corporation whatsoever; or to become a stock-holder in such corporation, association or company.

SEC. 53. The Legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered, or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any

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county or municipality of the State, under any agreement or contract, made without authority of law.

SEC. 54. The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual to this State, or to any county, or other municipal corporation therein.

SEC. 56. The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law, authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places; changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards or public grounds not of the State;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impanneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted; *provided*, that nothing h erein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

SEC. 57. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

SEC. 58. The Legislature shall hold its sessions at the city of Austin, which is hereby declared to be the Seat of Government.

ARTICLE IV.

Executive Department.

SECTION 1. The executive department of the State shall consist of a governor, who shall be the chief executive officer of the State, a lieutenant-governor, secretary of State, comptroller of public accounts, treasurer, commissioner of the general land office and attorney general.

SEC. 2. All the above officers of the executive department (except secretary of state) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

SEC. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of government, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives, as soon as the speaker shall be chosen; and the said speaker

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shall, during the first week of the session of the legislature, open and publish them in the presence of both houses of the Legislature. The person, voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices one of them shall be immediately chosen to such office by joint vote of both houses of the legislature. Contested elections for either of said offices, shall be determined by both houses of the Legislature in joint session.

SEC. 4. The governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least thirty years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his services an annual salary of four thousand dollars and no more, and shall have the use and occupation of the governor's mansion, fixtures and furniture.

SEC. 6. During the time he holds the office of governor he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession, and receive compensation, reward, fee, or the promise thereof for the same; nor receive any salary, reward, or compensation, or the promise thereof, from any person or corporation, for any service rendered or performed during the time he is governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions, and protect the frontier from hostile incursions by Indians or other predatory bands.

SEC. 8. The governor may, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place in case that should be in possession of the public enemy or in case of the prevalence of disease thereat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

SEC. 9. The governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed; and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment 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 remissions of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the secretary of state his reasons therefor.

SEC. 12. All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the governor, which appointment, if made during its session, shall be with the advice and consent of two-thirds of the senate present. If made during the recess of the senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the governor shall, without delay, make further nominations, until a confirmation takes place. But should there be no confirmation during the session of the senate, the governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the senate; but may appoint some other person to fill the vacancy until the next session of the senate or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

SEC. 13. During the session of the Legislature the governor shall reside where its sessions are held, and at all other times at the seat of government, except when by act of the Legislature, he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both houses of the Legislature shall be presented to the governor for his approval. If he approve he shall sign it; but if he disapprove it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with

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the objections, to the other house, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return; in which case it shall be a law, unless he shall file the same, with his objections, in the office of the secretary of state, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the house in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objections of the governor. If any such bill, containing several items of appropriation, not having been presented to the governor ten days (Sundays excepted) prior to adjournment, be in the hands of the governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses; and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a lieutenant-governor, who shall be chosen at every election for governor by the same electors, in the same manner, continue in office the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as governor and for whom as lieutenant-governor. The lieutenant-governor shall by virtue of his office be president of the senate, and shall have, when in committee of the whole, a right to debate and vote on all questions; and when the senate is equally divided to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the governor to serve, or of his impeachment or absence from the State, the lieutenant-governor shall exercise the powers and authority appertaining to the office of governor until another be chosen at the periodical election, and be duly qualified; or until the governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. If, during the vacancy in the office of governor, the lieutenant-governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the State, the president of the senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a governor or lieutenant-governor. The lieutenant-governor shall, while he acts as president of the senate, receive for his services the same compensation and mileage which shall be allowed to the members of the senate, and no more; and during the time he administers the government, as governor, he shall receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the senate, shall, during the time he administers the government, receive in like manner the same compensation, which the governor would have received had he been employed in the duties of his office.

SEC. 18. The lieutenant governor or president of the senate succeeding to the office of governor, shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the governor.

SEC. 19. There shall be a Seal of the State which shall be kept by the secretary of state, and used by him officially under the direction of the governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the governor and attested by the secretary of state.

SEC. 21. There shall be a secretary of state, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall continue in office during the term of service of the governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature, or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

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SEC. 22. The attorney general shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage, not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law; *provided*, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The comptroller of public accounts, the treasurer and the commissioner of the general land office shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand and five hundred dollars, and no more; reside at the capital of the State during his continuance in office; and perform such duties as are or may be required of him by law. They and the secretary of state shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the governor under oath. The governor may, at any time, require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the governor under oath, and the governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury, and so adjudged and punished accordingly, and removed from office.

SEC. 25. The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds, and providing for their suspension from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspension.

SEC. 26. The governor, by and with the advice and consent of two-thirds of the senate, shall appoint a convenient number of notaries public for each county who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

Judicial Department.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in a Court of Appeals, in District Courts, in County Courts, in Commissioners' Courts, in Courts of Justices of the Peace, and in such other courts as may be established by law. The Legislature may establish Criminal District Courts with such jurisdiction as it may prescribe, but no such court shall be established unless the district includes a city containing at least thirty thousand inhabitants as ascertained by the census of the United States or other official census; *provided*, such town or city shall support said Criminal District Courts when established. The Criminal District Court of Galveston and Harris counties shall continue with the district, jurisdiction and organization now existing by law, until otherwise provided by law.

SEC. 2. The Supreme Court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the Supreme Court unless he be at the time of his election a citizen of the United States and of this State, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court in this State, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the State at a general election, shall hold their offices for six years, and shall each receive an annual salary of not more than three thousand five hundred and fifty dollars. In case of a vacancy in the office of chief justice or associate justice of the Supreme Court, the governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State; but shall only extend to civil cases of which the District Courts have original or appellate jurisdiction. Appeals may be allowed from interlocutory judgments of the District Courts, in such cases and under such regulations

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as may be provided by law. The Supreme Court and the judges thereof shall have power to issue, under such regulations as may be prescribed by law, the writ of *mandamus* and all other writs necessary to enforce the jurisdiction of said court. The Supreme Court shall have power upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall sit for the transaction of business from the first Monday in October until the last Saturday of June of every year, at the seat of government, and at not more than two other places in the State.

SEC. 4. The Supreme Court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by said court for good cause entered of record on the minutes of said court.

SEC. 5. The Court of Appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They shall be citizens of the United States and of this State; shall have arrived at the age of thirty years at the time of election; each shall have been a practicing lawyer, or a judge of a court in this State, or such lawyer and judge together, for at least seven years. Said judges shall hold their offices for a term of six years, and each of them shall receive an annual salary of three thousand five hundred and fifty dollars, which shall not be increased or diminished during their term of office.

SEC. 6. The Court of Appeals shall have appellate jurisdiction, co-extensive with the limits of the State in all criminal cases, of whatever grade, and in all civil cases, unless hereafter otherwise provided by law, of which the County Courts have original or appellate jurisdiction. In civil cases its opinions shall not be published unless the publication of such opinions be required by law. The Court of Appeals and the judges thereof shall have power to issue the writ of *habeas corpus*; and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Appeals shall have power upon affidavits, or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The Court of Appeals shall sit for the transaction of business from the first Monday of October until the last Saturday of June of every year, at the capital, and at not more than two other places in the State, at which the Supreme Court shall hold its sessions. The court shall appoint a clerk for each place at which it may sit, and each of said clerks shall give bond in such manner as is now or may hereafter be required by law; shall hold his office for four years, and shall be subject to removal by the said court for good cause, entered of record on the minutes of said court.

SEC. 7. The State shall be divided into twenty-six judicial districts, which may be increased or diminished by the Legislature. For each district there shall be elected, by the qualified voters thereof, at a general election for members of the Legislature, a judge, who shall be at least twenty-five years of age, shall be a citizen of the United States, shall have been a practicing attorney or a judge of a court in this State for the period of four years, and shall have resided in the district in which he is elected for two years next before his election; shall reside in his district during his term of office; shall hold his office for the term of four years; shall receive an annual salary of twenty-five hundred dollars, which shall not be increased or diminished during his term of service; and shall hold the regular terms of court at one place in each county in the district twice in each year, in such manner as may be prescribed by law. The Legislature shall have power by general act to authorize the holding of special terms, when necessary, and to provide for holding more than two terms of the court in any county, for the dispatch of business; and shall provide for the holding of District Courts, when the judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SEC. 8. The District Court shall have original jurisdiction in criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; in cases of misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; and for the enforcement of liens thereon; of all suits for trial of right to property levied on by virtue of any writ of execution, sequestration, or attachment, when the property levied on shall be equal to or exceed in value five hundred dollars; and of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to five hundred dollars exclusive of interest; and the said courts and the judges thereof shall have power to issue writs of *habeas corpus* in felony cases, *mandamus*, injunction, *certiorari*, and all writs necessary to enforce their jurisdiction. The District Courts shall have appellate jurisdiction and general control in probate matters over the County Court established in each county for appointing guardians granting letters testamentary and of administration, for settling the accounts of executors, administrators and guardians, and for the transaction of business appertaining to estates; and original jurisdiction and general control over executors,

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administrators, guardians and minors, under such regulations as may be prescribed by the Legislature. All cases now pending in the Supreme Court, of which the Court of Appeals has appellate jurisdiction under the provisions of this Article, shall, as soon as practicable after the establishment of said Court of Appeals, be certified, and the records transmitted to the Court of Appeals, and shall be decided by such Court of Appeals as if the same had been originally appealed to such court.

SEC. 9. There shall be a clerk for the District Court of each county, who shall be elected by the qualified voters for the State and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the District Court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empanneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

SEC. 11. 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 degree as may be prescribed by law, or where he shall have been counsel in the case. When the Supreme Court, or the Appellate Court, or any two of the members of either, shall be thus disqualified to hear and determine any case or cases in said court, 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 cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the 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. The disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices shall be filled, as prescribed by law.

SEC. 12. All judges of the Supreme Court, Court of Appeals and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of "The State of Texas," and conclude "against the peace and dignity of the State."

SEC. 13. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; *provided*, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The Judicial Districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a county judge, who shall be well informed in the law of the State, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The County Court shall have original jurisdiction of all misdemeanors, of which exclusive original jurisdiction is not given to the Justice's Court, as the same are now or may be hereafter prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the District Courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which Justices' Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from, shall exceed twenty dollars exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justices' Courts, there shall be a trial *de novo* in the County Court, and when the judgment rendered or fine imposed by the County Court shall not exceed one hundred dollars such trial shall be final; but if the judgment rendered or fine imposed shall exceed one hundred dollars, as well as in all cases, civil and criminal,

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of which the County Court has exclusive or concurrent original jurisdiction, an appeal shall lie to the Court of Appeals, under such regulations as may be prescribed by law. The County Courts shall have the general jurisdiction of a Probate Court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons *non compos mentis*, and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the County Courts, or judges thereof, shall have power to issue writs of mandamus, injunction, and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of *habeas corpus* in cases where the offense charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court, unless expressly conferred by law; and in such counties appeals from Justices' Courts and other inferior courts and tribunals, in criminal cases shall be to the Criminal District Courts under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Courts to the Court of Appeals. Any case pending in the County Court, which the county judge may be disqualified to try, shall be transferred to the District Court of the same county for trial; and where there exists any cause disqualifying the county judge for the trial of a cause of which the County Court has jurisdiction, the District Court of such county shall have original jurisdiction of such cause.

SEC. 17. The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation as may be provided by law, and said court shall hold a term for criminal business once in every month as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries empanneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present County Courts shall make the first division. Subsequent divisions shall be made by the Commissioners' Court, provided for by this Constitution. In each such precinct there shall be elected at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified; *provided*, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge, as presiding officer, shall compose the County Commissioners' Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of this State, or as may be hereafter prescribed.

SEC. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than twenty dollars exclusive of costs, and in all criminal cases; under such regulations as may be prescribed by law. And the justices of the peace shall be *ex-officio* notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the County and Commissioners' Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court, until the

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next general election for county and State officers; *provided*, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the governor, and hold his office for the term of two years. In case of vacancy the Commissioners' Court of the county shall have power to appoint a county attorney until the next general election. The county attorneys shall represent the State in all cases in the District and infer ior courts in their respective counties; but if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of district attorneys in such districts, as may be deemed necessary, and make provision for the compensation of district attorneys, and county attorneys; *provided*, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the State, and such fees commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees commissions and perquisites as may be prescribed by law.

SEC. 22. The Legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners' Court until the next general election for county or State officers.

SEC. 24. County judges, county attorneys, clerks of the District and County Courts, justices of the peace, constables, and other county officers, may be removed by the judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The Supreme Court shall have power to make rules and regulations for the government of said court, and the other courts of the State, to regulate proceedings and expedite the dispatch of business therein.

SEC. 26. The State shall have no right of appeal in criminal cases.

SEC. 27. The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts, or other inferior courts, to such County or inferior courts, and for the trial or disposition of all such causes by such County or other inferior courts.

SEC. 28. Vacancies in the office of judges in the Supreme Court, of the Court of Appeals, and District Court, shall be filled by the governor until the next succeeding general election; and vacancies in the office of county judge, and justices of the peace, shall be filled by the Commissioners' Court, until the next general election for such offices.

ARTICLE VI.

Suffrage.

SECTION 1. The following classes of persons shall not be allowed to vote in this State, to-wit:

First — Persons under twenty-one years of age.

Second—Idiots and lunatics.

Third—All paupers supported by any county.

Fourth—All persons convicted of any felony, subject to such exceptions as the Legislature may make.

Fifth—All soldiers, marines and seamen, employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing disqualifications, who, at any time before an election, shall have declared his intention to become a citizen of the United States, in accordance with the federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; *provided*, that electors living in any unorganized county, may vote at any election precinct in the county to which such county is attached, for judicial purposes.

SEC. 3. All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; *provided*, that no poll tax for the payment of debts thus incurred, shall be levied upon the persons debarred from voting in relation thereto.

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SEC. 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; but no law shall ever be enacted requiring a registration of the voters of this State.

SEC. 5. Voters shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

ARTICLE VII.
Education—The Public Free Schools.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appropriated for the support of public schools; all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads, or other corporations, of any nature whatsoever; one-half of the public domain of the State; and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

SEC. 3. There shall be set apart annually not more than one-fourth of the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to the purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of this State, if the same can be obtained, otherwise in United States bonds; and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained on terms advantageous to the school fund.

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, which shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in manner as may be provided by law.

SEC. 6. All lands heretofore or hereafter granted to the several counties of this State for education, or schools, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the Commissioners' Court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereon to be used and expended annually.

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The governor, comptroller and secretary of state shall constitute a Board of Education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphan Asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in section 4 of this Article.

UNIVERSITY.

SEC. 10. The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legis-

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lature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter so to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sums, belonging to the fund, as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds, and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; *provided*, that one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the University fund shall be sold under such regulations, at such times, and on such terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made, and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also when deemed practicable, establish and provide for the maintenance of a College or Branch University for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart, and appropriated, for the endowment, maintenance and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.
Taxation and Revenue.

SECTION 1. Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; *provided*, that two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this State, shall be exempt from taxation, and provided further that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the State for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit, all buildings used exclusively and owned by persons or associations of persons for school purposes, (and the necessary furniture of all schools,) and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned, shall be void.

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies, shall have

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power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the Sixteenth Legislature.

SEC. 7. The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the treasury; and shall make it penal for any person or persons to borrow, withhold, or in any manner to divert from its purpose, any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The State tax, on property, exclusive of the tax necessary to pay the public debt, shall never exceed fifty cents on the one hundred dollars valuation, and no county, city or town shall levy more than one-half of said State tax, except for the payment of debts already incurred, and for the erection of public buildings, not to exceed fifty cents on the one hundred dollars in any one year, and except as in this Constitution is otherwise provided.

SEC. 10. The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two-thirds of each house of the Legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be assessed for taxation, and the taxes paid in the county where situated, but the Legislature may by a two-thirds vote, authorize the payment of taxes of non-residents of counties to be made at the office of the comptroller of public accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in, and owned by residents of unorganized counties, shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by non-residents of unorganized counties, and lands lying in the territory not laid off into counties, shall be assessed and the taxes thereon collected at the office of the comptroller of the State.

SEC. 13. Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; *provided*, that the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at the same time and under the same law regulating the election of State and county officers, an assessor of taxes, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent tax-payer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent; and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall be the collector of taxes therefor. But in counties having ten thousand inhabitants, to be determined by the last preceding census of the United States, a collector of taxes shall be elected to hold office for two years and until his successor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed in such manner as may be consistent with the principles of taxation fixed in this Constitution.

SEC. 18. The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation, (the County Commissioners' Court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

ARTICLE IX.
Counties.

SECTION 1. The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

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First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

County Seats.

SEC. 2. The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical centre of the county shall be removed, except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical centre of the county to a point within five miles of such centre, in either case the centre to be determined by a certificate from the commissioner of the general land office.

ARTICLE X.
Railroads.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad; and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

SEC. 2. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The Legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State; and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 3. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually, under oath, to the comptroller or governor, their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 4. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation, with, or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having

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the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within a distance of three miles of any county-seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; *provided*, such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

ARTICLE XI.
Municipal Corporations.

SECTION 1. The several counties of this State are hereby recognized as legal subdivisions of the State.

SEC. 2. The construction of jails, court-houses and bridges, and the establishment of county poor-houses and farms, and the laying out, construction and repairing of county roads shall be provided for by general laws.

SEC. 3. No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in any wise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

SEC. 4. Cities and towns having a population of ten thousand inhabitants or less, may be chartered alone by general law. They may levy, assess and collect an annual tax to defray the current expenses of their local government, but such tax shall never exceed, for any one year, one-fourth of one per cent., and shall be collectable only in current money. And all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns shall be collectable only in current money.

SEC. 5. Cities having more than ten thousand inhabitants may have their charters granted or amended by special act of the Legislature, and may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful, for any one year, which shall exceed two and one-half per cent. of the taxable property of such city; and no debt shall ever be created by any city, unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent. thereon.

SEC. 6. Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall when levied specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized, upon a vote of two-thirds of the tax-payers therein (to be ascertained as may be provided by law) to levy and collect such tax for construction of sea walls, breakwaters, or sanitary purposes, as may be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county, unless provision is made at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least two per cent. as a sinking fund; and the condemnation of the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the Gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of sea walls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

SEC. 9. The property of counties cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used, or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public shall be exempt from forced sale and from taxation; *provided*, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

SEC. 10. The Legislature may consti-

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tute any city or town a separate and independent school district. And when the citizens of any city or town have a charter, authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two-thirds of the tax-payers of such city or town shall vote for such tax.

ARTICLE XII.

Private Corporations

SECTION 1. No private corporation shall be created except by general laws.

SEC. 2. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

SEC. 3. The right to authorize and regulate freights, tolls, wharfage or fares levied and collected or proposed to be levied and collected by individuals, companies or corporations, for the use of highways, landings, wharves, bridges and ferries, devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the attorney general and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares, or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls or wharfage shall at all times be subject to amendment, modification or repeal by the Legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness shall be void.

SEC. 7. Nothing in this article shall be construed to divest or affect rights guaranteed by any existing grant or statute, of this State, or of the Republic of Texas.

ARTICLE XIII.

Spanish and Mexican Land Titles.

SECTION 1. All fines, penalties, forfeitures and escheats, which have heretofore accrued to the Republic and State of Texas, under their constitutions and laws, shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited, and for giving effect to escheats; and all such rights of forfeiture and escheat to the State shall, *ipso facto*, enure to the protection of the innocent holders of junior titles, as provided in sections 2, 3 and 4 of this Article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record; or not duly archived in the general land office; or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, not archived, or recorded, or occupied as aforesaid, has been, or ever *shall* be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the non-performance of all such conditions.

SEC. 3. Non-payment of taxes on any claim of title to land, dated prior to the 13th day of November, 1835, not recorded, or archived, as provided in section 2, by the person or persons so claiming, or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county, and city or town, to be assessed on the fair value of such lands by the comptroller, and paid to him, without commutation or deduction for any part of the above period.

SEC. 4. No claim of title or right to land, which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State, or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words "duly recorded," as used in sections 2 and 4 of this Article, it is meant that such claim of title or right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was

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made, shall not be held to vitiate such record.

SEC. 5. All claims, locations, surveys, grants and titles, of any kind, which are declared null and void by the Constitution of the Republic or State of Texas, are, and the same shall remain forever null and void.

SEC. 6. The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4 and 5 of this Article, shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.

Public Lands and Land Office.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land certificates barred by section 4, Article 10, of the constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the first day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; *provided*, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented, only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

SEC. 3. The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions:

First. That there shall never be granted to any such corporation more than sixteen sections to the mile, and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road, and on the failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give, effect to the provisions of this section.

SEC. 4. No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

SEC. 5. All lands heretofore or hereafter granted to railway companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State and subject to pre-emption, location and survey, as other vacant lands. All lands heretofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the attorney general, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

SEC. 6. To every head of a family without a homestead there shall be donated one hundred and sixty acres of public land, upon condition that he will select and locate said land, and occupy the same three years and pay the office fees due thereon. To all single men of eighteen years of age and upwards, shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

SEC. 8. Persons residing between the Nueces river and the Rio Grande, and

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owning grants for lands which emanated from the government of Spain, or that of Mexico which grants have been recognized and validated by the State, by acts of the Legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the first day of January, 1880, to complete their surveys, and the plots thereof, and to return their field notes to the General Land Office; and all claimants failing to do so shall be forever barred; *provided*, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.
Impeachment.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the governor, lieutenant governor, attorney general, treasurer, commissioner of the general land office, comptroller, and the judges of the Supreme Court, Court of Appeals and District Court shall be tried by the senate.

SEC. 3. When the senate is sitting as a Court of Impeachment, the senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

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

SEC. 6. Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths taken before some judge of a court of record of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded, either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

ADDRESS.

SEC. 8. The Judges of the Supreme Court, Court of Appeals and District Courts, shall be removed by the governor on the address of two-thirds of each house of the Legislature, for wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; *provided, however*, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each house; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own 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 on the journals of each house respectively.

ARTICLE XVI.
General Provisions.

SECTION 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, (.....) do solemnly swear, (or affirm), that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ....., according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear, (or affirm), that since the adoption of the constitution of this State, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear, (or affirm), that I have not directly, nor indirectly paid, offered or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, (or if the office is one of appointment, to secure my appointment.) So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who

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may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The Legislature shall make provision whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs, shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel 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 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.

SEC. 5. Every person shall be disqualified from holding any office of profit, or trust, in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

SEC. 7. The Legislature shall, in no case, have power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual labor poorhouse and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

SEC. 9. 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 of being elected or appointed to any office under the exceptions contained in this Constitution.

SEC. 10. The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. The legal rate of interest shall not exceed eight per cent. per annum, in the absence of any contract as to the rate of interest; and by contract parties may agree upon any rate not to exceed twelve per cent. per annum. All interest charged above this last named rate shall be deemed usurious, and the Legislature shall, at its first session, provide appropriate pains and penalties to prevent and punish usury.

SEC. 12. 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.

SEC. 13. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. 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 as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges.

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action, which have been acquired under the constitution and laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the Constitution of the Republic and State, be reinvested, renewed, or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; and provided further, that no cause of action heretofore barred shall be revived.

SEC. 19. The Legislature shall prescribe by law the qualification of grand and petit jurors.

SEC. 20. The Legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town or city, by a majority vote, from time to time, may determine whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.

SEC. 21. All stationery, and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper, and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished, and the printing and binding of the laws, journals, and department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the Legislature, and its

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committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price, and under such regulations, as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts; and all such contracts shall be subject to the approval of the governor, secretary of state and comptroller.

SEC. 22. The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State, or counties, as may be needed to meet the wants of the people.

SEC. 23. The Legislature may pass laws for the regulation of live stock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections, or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands; *provided*, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them, before it shall go into effect.

SEC. 24. The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, baling, repairing, or for any other kind of labor or service, of or to any cotton, grain, or any other produce or article, of commerce in this State, paid, or allowed, or contracted for, to any common carrier, shipper, merchant, commission merchant, factor, agent, or middle man of any kind, not the true and absolute owner thereof, are forever prohibited, and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for, or respecting the same.

SEC. 26. Every person, corporation, or company, that may commit a homicide, through wilful act, or omission, or gross neglect, 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, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject to garnishment.

SEC. 29. The Legislature shall provide by law for defining and punishing barretry.

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years.

SEC. 31. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The Legislature may provide by law for the establishment of a board of health and vital statistics, under such rules and regulations as it may deem proper.

SEC. 33. 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 this State or the United States, except as prescribed in this Constitution.

SEC. 34. The Legislature shall pass laws authorizing the governor to lease, or sell to the government of the United States, a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals, and military stations, or camps, and for other needful military purposes; and the action of the governor therein shall be subject to the approval of the Legislature.

SEC. 35. The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done responsible for their ultimate payment.

SEC. 36. The Legislature shall, at its first session, provide for the payment, or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools, by the State, for service rendered prior to the 1st day of July, 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such district to January, 1876.

SEC. 37. Mechanics, artisans and material men, of every class, shall have a lien upon the buildings and articles made or repaired by them for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The Legislature may, at such time as the public interest may require, provide for the office of commissioner of insurance, statistics and history, whose term of office, duties and salary shall be prescribed by law.

SEC. 39. The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public, and postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, di-

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rectly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself, or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery, within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

SEC. 42. The Legislature may establish an inebriate asylum, for the cure of drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved or discharged, from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

SEC. 44. The Legislature shall prescribe the duties and provide for the election by the qualified voters of each county in this State, of a county treasurer and a county surveyor, who shall have an office at the county seat, and hold their office for two years, and until their successors are qualified; and shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence, and other documents, civil and military, relating to the history of Texas, as may be now in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the United States, or to this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation or shall be amended or repealed by the Legislature.

SEC. 49. The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as herein before provided, whether such mortgage, or trust deed, or other lien, shall have been created by the husband alone, or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

SEC. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town, or village, shall consist of lot, or lots, not to exceed in value five thousand dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; *provided*, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family; *provided, also*, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this Constitution, it is declared that all process

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and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted, shall remain valid, and shall not be, in any way, affected by the adoption of this Constitution.

SEC. 54. It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

SEC. 55. The Legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835, until the 1st of January, 1837; and also to the surviving signers of the declaration of independence of Texas; and to the surviving widows continuing unmarried of such soldiers and signers; *provided*, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the County Court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three millions acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislatnre; and the Legislature shall pass suitable laws to carry this section into effect.

ARTICLE XVII.

Mode of Amending the Constitution of this State.

SECTION 1. The Legislature, at any biennial session, by a vote of two-thirds of all the members elected to each House, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county, in which such a newspaper may be published; and it shall be the duty of the several returning officers of said election, to open a poll for, and make returns to the secretary of state, of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return, that a majority of the votes cast, have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast, shall become a part of this Constitution, and proclamation shall be made by the by the governor thereof.

Done by the delegates of the people of Texas, in Convention assembled, in the city of Austin, on this, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventy-five.

In testimony whereof we hereunto subscribe our names:

EDWARD B. PICKETT,
President of the Convention.

LEIGH CHALMERS,
Secretary of the Convention.

NICHOLAS H. DARNELL, of Tarrant Co.
JOEL W. ROBINSON, of Fayette Co.
BENNETT BLAKE, of Nacogdoches Co.
BUCKNER ABERNATHY, of Camp Co.
D. ABNER, of Harrison Co.
THOS. G. ALLISON, of Panola Co.
JULIUS E. ARNIM, of Lavaca Co.
W. P. BALLINGER, of Galveston Co.
JO. W. BARNETT, of Parker Co.
WM. BLASSINGAME, of Grayson Co.
E. W. BRADY, of Grimes Co.
JOHN HENRY BROWN, of Dallas Co.
H. C. BRUCE, of Johnson Co.
ED. BURLESON, of Hays Co.
EDWARD CHAMBERS, of Collin Co.
HENRY CLINE, of Harris Co.
WM. D. S. COOK, of Gonzales Co.
G. B. COOKE, of San Saba Co.
W. L. CRAWFORD, of Marion Co.
B. H. DAVIS, of Brazos Co.
BURRILL B. DAVIS, of Wharton Co.
WILLIAM W. DILLARD, of Bowie Co.
E. L. DOHONEY, of Lamar Co.
J. W. FERRIS, of Ellis Co.
JOSEPH P. DOUGLAS, of Cherokee Co.
J. R. FLEMING, of Comanche Co.
GEORGE FLOURNOY, of Galveston Co.
JOHN S. FORD, of Cameron Co.
JAMES C. GAITHER, of Falls Co.
JAMES L. GERMAN, of Fannin Co.
A. C. GRAVES, of Coryell Co.
JAS. E. HAYNES, of Caldwell Co.
JOHN R. HENRY, of Limestone Co.
JOHN L. HENRY, of Smith Co.
WM. C. HOLMES, of Grayson Co.
ASA HOLT, of Van Zandt Co.
JOHN JOHNSON, of Collin Co.
J. F. JOHNSON, of Franklin Co.
C. B. KILGORE, of Gregg Co.
SAM'L B. KILLOUGH, of Robertson Co.
HENRY C. KING, of Kendall Co.
ROBT. LACY, of Leon Co.
THOS. J. LOCKETT, of Washington Co.
FRANK J. LYNCH, of DeWitt Co.
L. H. MCCABE, of Fort Bend Co.
GEORGE MCCORMICK, of Colorado Co.
S. A. MCKENNEY, of DentonCo.
ANDREW T. MCKINNEY, of Walker Co.
W. P. MCLEAN, of Titus Co.
MARION MARTIN, of Navarro Co.
B. D. MARTIN, of Hunt Co.
L. W. MOORE, of Fayette Co.
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G. A. SESSIONS, of Freestone Co.
C. R. SMITH, of Milam Co.
ISRAEL SPIKES, of Kaufman Co.
WM. H. STEWART, of Galveston Co.
FLETCHER S. STOCKDALE, of Calhoun Co.
H. W. WADE, of Hunt Co.
W. T. G. WEAVER, of Cook Co.
C. S. WEST, of Travis Co.
W. W. WHITEHEAD, of Tyler Co.
JOHN W. WHITFIELD, of Lavaca Co.
W. B. WRIGHT, of Lamar Co.
CHAS. DEMORSE, of Red River Co.

DEPARTMENT OF STATE,
AUSTIN, TEXAS.

I, A. W. DEBERRY, Secretary of State for the State of Texas, do hereby certify that the above and foregoing pages contain, and are true and correct copies of all the articles of the proposed Constitution of the State of Texas, as enrolled and now on file in the Department of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name and affixed the Seal of the Department of State, at the city of Austin, this, the 26th day of November, A. D. 1875.

L. S.

A. W. DEBERRY,
Secretary of State.

ORDINANCES.

AN ORDINANCE
In Relation to Railroads.

Be it Ordained by the People of Texas in Convention assembled, That in view of the financial misfortunes now existing, no railroad company chartered or holding grants under this State, which has heretofore organized and commenced work in good faith, shall be considered as having lost any of its rights, privileges or grants prior to the close of the next session of the Legislature of this State by virtue of lapse of time between now and that time; and said Legislature shall have the power, if deemed compatible with the public interest, to grant such relief in time as may be deemed best for the interests of the State; *provided*, that this ordinance shall not be so construed as to relieve railroad companies from compliance with the conditions contained in Article 10 of the Constitution, in relation to railroads.

ORDINANCE.

No ordinance passed by this Convention and not submitted for the ratification of the people, except that postponing the election, and that submitting the Constitution to a vote of the qualified electors, shall, in any sense, be deemed operative, as affecting the rights of the State, or the rights and obligations of any person, association or corporation within the State, or having rights therein, or obligation thereto, either to confirm, release, relieve or modify the same, unless the Constitution shall be ratified by the qualified electors of the State of Texas.

AN ORDINANCE
To Divide the State of Texas into Senatorial and Representative Districts.

SECTION 1. *Be it ordained by the People of Texas, in Convention Assembled*, That until after the first apportionment of senators and representatives, as provided in this Constitution, after the census of the United States shall have been taken in 1880, the State shall be divided into senatorial and representative districts, as follows:

SENATORIAL DISTRICTS.

First District—The counties of Liberty, Chambers, San Jacinto, Hardin, Tyler, Jefferson, Jasper, Orange, Newton and Polk shall elect one senator; Tyler to be the returning county.

Second District—The counties of Houston, Angelina, Nacogdoches, San Augustine and Sabine shall elect one senator; Nacogdoches to be the returning county.

Third District—The counties of Rusk, Panola and Shelby shall elect one senator; Panola to be the returning county.

Fourth District—The county of Harrison shall elect one senator.

Fifth District—The counties of Marion, Cass, Bowie and Morris shall elect one senator; Cass to be the returning county.

Sixth District—The counties of Red River, Titus, Franklin and Hopkins shall elect one senator; Titus to be the returning county.

Seventh District—The counties of Camp, Upshur, Gregg and Smith shall elect one senator; Gregg to be the returning county.

Eighth District—The counties of Cherokee, Anderson and Henderson

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shall elect one senator; Anderson to be the returning county.

Ninth District—The counties of Lamar, Fannin and Delta shall elect one senator; Lamar to be the returning county.

Tenth District—The counties of Wood, Van Zandt, Kaufman, Rains, Rockwall and Hunt shall elect one senator; Kaufman to be the returning county.

Eleventh District—The counties of Grayson and Cooke shall elect one senator; Grayson to be the returning county.

Twelfth District—The counties of Collin and Denton shall elect one senator; Collin to be the returning county.

Thirteenth District—The counties of Dallas and Ellis shall elect one senator; Ellis to be the returning county.

Fourteenth District—The counties of Navarro, Limestone and Freestone shall elect one senator; Limestone to be the returning county.

Fifteenth District—Leon, Robertson and Brazos counties shall elect one senator; Robertson to be the returning county.

Sixteenth District—Grimes, Madison, Walker and Trinity counties shall elect one senator; Walker to be the returning county.

Seventeenth District—Waller, Fort Bend and Wharton counties shall elect one senator; Waller to be the returning county.

Eighteenth District—The counties of Harris and Montgomery shall elect one senator; Harris to be the returning county.

Nineteenth District—The counties of Galveston, Brazoria and Matagorda shall elect one senator; Galveston to be the returning county.

Twentieth District—Austin, Washington and Burleson counties shall elect one senator; Washington to be the returning county.

Twenty-first District—The counties of Falls, Milam and Bell shall elect one senator, and Milam shall be the returning county.

Twenty-second District—The counties of Johnson, Hill and McLennan shall elect one senator; McLennan to be the returning county.

Twenty-third District—The counties of Tarrant, Parker, Wise, Montague, Clay, Jack and Young, with the unorganized counties west of them, shall elect one senator; Tarrant to be the returning county.

Twenty-Fourth District—The counties of Coryell, Bosque, Hamilton, Brown, Coleman, Comanche, Erath, Somerville, Hood, Palo Pinto, Eastland and Shackleford, with the unorganized counties of Runnels, Taylor, Calahan, Jones and Stephens, shall elect one senator; Comanche to be the returning county.

Twenty-fifth District—The counties of Travis, Williamson, Burnet and Lampasas shall elect one senator; Williamson to be the returning county.

Twenty-sixth District—The counties of Fayette, Bastrop and Lee shall elect one senator; Fayette to be the returning county.

Twenty-seventh District—The counties of Colorado, Lavaca and Gonzales shall elect one senator; Lavaca to be the returning county.

Twenty-eighth District—The counties of Calhoun, Victoria, DeWitt, Aransas, Refugio, Bee, Goliad, Karnes, Wilson, Jackson and Atascosa shall elect one senator; Victoria to be the returning county.

Twenty-ninth District—The counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Uvalde, Medina, Nueces, San Patricio, Live Oak and Frio, with the unorganized counties of Duval, Encinal, McMullen, La Salle, Dimmitt and Zavala, shall elect one senator; Nueces to be the returning county.

Thirtieth District—The counties of Bexar, Comal, Bandera, Kendall, Kerr, Gillespie, Mason, Menard, Tom Green, Pecos, Presidio, and El Paso, with the unorganized counties of Concho, Kimball, Edwards and Crockett, shall elect one senator; Bexar to be the returning county.

Thirty-first District—The counties of Guadalupe, Caldwell, Hays, Blanco, Llano and San Saba, with the unorganized county of McCulloch, shall elect one senator; Hays to be the returning county.

REPRESENTATIVE DISTRICTS.

SEC. 2. *Be it further ordained*, That until such apportionment after the census of 1880, representatives shall be elected as follows:

First District—The counties of Liberty, Hardin, Jefferson and Chambers shall elect one representative; Liberty to be the returning county.

Second District—The counties of San Jacinto, Polk and Tyler shall elect one representative; Tyler to be the returning county.

Third District—The counties of Jasper, Newton and Orange shall elect one representative; Jasper to be the returning county.

Fourth District—The counties of San Augustine and Sabine shall elect one representative; San Augustine to be the returning county.

Fifth District—The county of Houston shall elect one representative.

Sixth District—The counties of Nacogdoches and Angelina shall elect one representative; Nacogdoches to be the returning county.

Seventh District—The county of Rusk shall elect one representative.

Eighth District—The counties of Panola and Shelby shall elect one representative; Panola to be the returning county.

Ninth District—The counties of Rusk, Panola and Shelby shall elect one representative; Panola to be the returning county.

Tenth District—The county of Harrison shall elect one representative.

Eleventh District—The counties of Marion, Cass, Bowie and Morris shall

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elect three representatives; Cass to be the returning county.

Twelfth District—The county of Red River shall elect one representative.

Thirteenth District—The counties of Titus and Franklin shall elect one representative; Titus to be the returning county.

Fourteenth District—The county of Hopkins shall elect one representative.

Fifteenth District—The county of Smith shall elect one representative.

Sixteenth District—The counties of Smith and Gregg shall elect one representative; Smith to be the returning county.

Seventeenth District—The counties of Camp and Upshur shall elect one representative; Upshur to be the returning county.

Eighteenth District—The county of Lamar shall elect one representative.

Nineteenth District—The county of Fannin shall elect one representative.

Twentieth District—The counties of Lamar, Fannin and Delta shall elect one representative; Lamar to be the returning county.

Twenty-first District—The counties of Hunt and Rockwall shall elect one representative; Hunt to be the returning county.

Twenty-second District—The counties of Kaufman, Raines, Wood and Van Zandt shall elect two representatives; Kaufman to be the returning county.

Twenty-third District—The county of Henderson shall elect one representative.

Twenty-fourth District—The county of Anderson shall elect one representative.

Twenty-fifth District—The county of Cherokee shall elect one representative.

Twenty-sixth District—The county of Leon shall elect one representative.

Twenty-seventh District—The county of Robertson shall elect two representatives.

Twenty-eighth District—The county of Brazos shall elect one representative.

Twenty-ninth District—The county of Grimes shall elect one representative.

Thirtieth District—The counties of Grimes and Madison shall elect one representative; Grimes to be the returning county.

Thirty-first District—The counties of Walker and Trinity shall elect one representative; Walker to be the returning county.

Thirty-second District—The county of Montgomery shall elect one representative.

Thirty-third District—Harris county shall elect two representatives.

Thirty-fourth District—The counties of Harris and Montgomery shall elect one representative; Harris to be the returning county.

Thirty-fifth District—Galveston county shall elect two representatives.

Thirty-sixth District—The counties of Brazoria, Galveston and Matagorda shall elect one representative; Galveston to be the returning county.

Thirty-seventh District—The counties of Wharton, Fort Bend and Waller shall elect two representatives; Waller to be the returning county.

Thirty-eighth District—Austin county shall elect one representative.

Thirty-ninth District—Washington county shall elect one representative.

Fortieth District—Washington and Burleson counties shall elect one representative; Burleson to be the returning county.

Forty-first District—The counties of Falls, Milam and Bell shall elect three representatives; Bell to be the returning county.

Forty-second District—The county of Limestone shall elect one representative.

Forty-third District—The county of Freestone shall elect one representative.

Forty-fourth District—The county of Navarro shall elect one representative.

Forty-fifth District—The county of Ellis shall elect one representative.

Forty-sixth District—The county of Dallas shall elect two representatives.

Forty-seventh District—The county of Collin shall elect one representative.

Forty-eighth District—The county of Grayson shall elect two representatives.

Forty-ninth District—The counties of Grayson and Collin shall elect one representative; Grayson to be the returning county.

Fiftieth District—The county of Cooke shall elect one representative.

Fifty-first District—The county of Denton shall elect one representative.

Fifty-second District—The counties of Clay, Montague and Wise, with the unorganized counties west of Clay, shall elect one representative; Wise to be the returning county.

Fifty-third District—The county of Tarrant shall elect one representative.

Fifty-fourth District—The counties of Parker, Jack and Young, with the unorganized counties west of them, shall elect one representative; Parker to be the returning county.

Fifty-fifth District—The county of Johnson shall elect one representative.

Fifty-sixth District—The county of Hill shall elect one representative.

Fifty-seventh District—The county of McLennan shall elect one representative.

Fifty-eighth District—The counties of Jackson, Calhoun, Victoria, DeWitt, Aransas, Refugio, Bee and Goliad shall elect two representatives; Victoria to be the returning county.

Fifty-ninth District—The counties of Colorado and Lavaca shall elect two representatives; Lavaca to be the returning county.

Sixtieth District—The county of Gonzales shall elect one representative.

Sixty-first District—The county of Fayette shall elect one representative.

Sixty-second District—The county of Bastrop shall elect one representative.

Sixty-third District—The counties of Fayette and Lee shall elect one repre-

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sentative; Fayette to be the returning county.

Sixty-fourth District—The counties of Caldwell, Guadalupe and Hays shall elect two representatives; Hays to be the returning county.

Sixty-fifth District—Travis county shall elect one representative.

Sixty-sixth District—Travis and Blanco counties shall elect one representative; Travis to be the returning county.

Sixty-seventh District — Williamson and Lampasas counties shall elect one representative; Williamson to be the returning county.

Sixty-eighth District—The counties of Coryell, Hamilton, Brown and Coleman, and the unorganized county of Runnels, shall elect one representative; Coryell to be the returning county.

Sixty-ninth District—The counties of Bosque, Somerville and Hood shall elect one representative; Bosque to be the returning county.

Seventieth District—The counties of Erath, Comanche, Palo Pinto, Eastland and Shackleford, with the unorganized counties of Stephens, Jones, Callahan and Taylor, shall elect one representative; Comanche to be the returning county.

Seventy-first District—The county of Bexar shall elect one representative.

Seventy-second District—The counties of Bexar and Comal shall elect one representative; Bexar to be the returning county.

Seventy-third District—The counties of Uvalde, Medina, Bandera, Kendall, Kerr, Gillespie, Mason and Menard, with the unorganized counties of Edwards and Kimble, shall elect one representative; Gillespie to be the returning county.

Seventy-fourth District—The counties of Llano, Burnet, San Saba, McCulloch and Concho shall elect one representative; San Saba to be the returning county.

Seventy-fifth District—The counties of El Paso, Presidio, Pecos, Tom Green and Crockett shall elect one representative; El Paso to be the returning county.

Seventy-sixth District—The counties of Cameron, Hidalgo, Starr, Webb and Zapata shall elect one representative; Cameron to be the returning county.

Seventy-seventh District—The counties of Nueces, Frio, Maverick and Kinney, with the unorganized counties of Duval, Encinal, McMullen, Dimmitt, La Salle and Zavala, shall elect one representative; Nueces to be the returning county.

Seventy-eighth District—The counties of San Patricio, Live Oak, Karnes, Wilson and Atascosa shall elect one representative; Karnes to be the returning county.

Seventy-ninth District—The counties of Cherokee, Rusk, Panola, Shelby and Harrison shall elect one representative; Rusk to be the returning county.

SEC. 3. *Be it further ordained*, that, for all purposes connected with the first election provided for by this Convention, this ordinance shall take effect and be in force from and after its passage, and should the Constitution be ratified by the people, this ordinance shall be and remain in force until the first apportionment after the census of 1880; but should the Constitution be rejected by the people, this ordinance shall thereafter be and remain of no force and effect.

E. B. PICKETT,
President of the Convention.

Attest: LEIGH CHALMERS.
Secretary of the Convention.

AN ORDINANCE

To Divide the State of Texas into Judicial Districts.

Be it ordained by the people of the State of Texas, in Convention assembled, that until otherwise provided by law, the State of Texas shall be divided into twenty-six Judicial Districts, as follows, to wit:

SECTION 1. The First District shall be composed of the counties of Jefferson, Chambers, Liberty, Hardin, Polk, Tyler, Jasper, Newton, Orange and San Jacinto.

SEC. 2. The Second District shall be composed of the counties of Harrison, Rusk, Panola, Shelby and Sabine.

SEC. 3. The Third District shall be composed of the counties of San Augustine, Nacogdoches, Cherokee, Houston and Anderson.

SEC. 4. The Fourth District shall be composed of the counties of Grimes, Walker, Madison, Leon, Trinity and Angelina.

SEC. 5. The Fifth District shall be composed of the counties of Marion, Cass, Bowie, Titus, Morris, Franklin and Camp.

SEC. 6. The Sixth District shall be composed of the counties of Red River, Lamar, Fannin and Grayson.

SEC. 7. The Seventh District shall be composed of the counties of Gregg, Smith, Upshur, Wood, Raines, Van Zandt and Henderson.

SEC. 8. The Eighth District shall be composed of the counties of Hunt, Hopkins, Collin, Rockwall, Kaufman and Delta.

SEC. 9. The Ninth District shall be composed of the counties of Brazos, Robertson, Burleson and Milam.

SEC. 10. The Tenth District shall be composed of the counties of Cooke, Denton, Montague, Wise, Clay, Parker, Tarrant, and the unorganized counties of Archer, Wichita, Baylor, Wilbarger, Knox, Hardeman, Greer and Wegeforth.

SEC. 11. The Eleventh District shall be composed of the counties of Dallas and Ellis.

SEC. 12. The Twelfth District shall be composed of the counties of Hood, Coryell, Hamilton, Comanche, Brown, Coleman, Shackelford, Palo Pinto, Eastland, Erath, Somerville, Jack, Young, and the unorganized counties of Jones, Taylor, Runnels, Callahan, Stephens, Haskell and Throckmorton.

SEC. 13. The Thirteenth District shall be composed of the counties of Hill,

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Navarro, Limestone, Bosque, Johnson and Freestone.

SEC. 14. The Fourteenth District shall be composed of the counties of McLennan, Bell and Falls.

SEC. 15. The Fifteenth District shall be composed of the counties of Austin, Fayette, Bastrop, Caldwell, Hays and Blanco.

SEC. 16. The Sixteenth District shall be composed of the counties of Washington, Lee, Travis and Williamson.

SEC. 17. The Seventeenth District shall be composed of the counties of Burnett, Lampasas, San Saba, Llano, Mason, Menard, Gillespie, and the unorganized counties of Concho, McCulloch and Kimble.

SEC. 18. The Eighteenth District shall be composed of the counties of Waller, Wharton, Fort Bend, Brazoria, Matagorda and Jackson.

SEC. 19. The Nineteenth District shall be composed of the counties of Colorado, Lavaca, Gonzales, Guadalupe and Wilson.

SEC. 20. The Twentieth District shall be composed of the counties of El Paso, Presidio, Tom Green, Pecos and Crockett.

SEC. 21. The Twenty-first District shall be composed of the counties of Harris and Montgomery.

SEC. 22. The Twenty-second District shall be composed of the counties of Comal, Bexar and Atascosa.

SEC. 23. The Twenty-third District shall be composed of the counties of DeWitt, Victoria, Calhoun, Refugio, Goliad, Bee, Aransas, San Patricio, Karnes, Live Oak and McMullen.

SEC. 24. The Twenty-fourth District shall be composed of the counties of Kendall, Kerr, Bandera, Medina, Frio, Uvalde, Zavalla, Kinney, Maverick, Dimmit, La Salle, Edwards, and Dawson.

SEC. 25. The Twenty-fifth District shall be composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Nueces and Duval.

SEC. 26. The Twenty-sixth District shall be composed of the county of Galveston.

SEC. 27. *Be it further ordained*, That for all purposes connected with the first election provided for by this Convention, this ordinance shall take effect and be in force from and after its passage; and should the Constitution be ratified by the people, this ordinance shall be and remain in force until otherwise changed by the Legislature of this State; but should the Constitution be rejected by the people, this ordinance shall thereafter be of no force or effect.

E. B. PICKETT,
President of the Convention.

Attest: LEIGH CHALMERS,
Secretary of the Convention.

AN ORDINANCE

Fixing the Terms of the District Courts of the State of Texas.

Be it ordained by the people of Texas in Convention assembled, that until otherwise provided by law, the terms of the District Courts of the several judicial districts shall be as hereinafter prescribed:

SECTION 1. That the District Courts of the First Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Chambers, on the first Mondays in March and September and may continue in session one week.

In the county of Liberty, on the first Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of San Jacinto, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Polk, on the sixth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Tyler, on the ninth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Jasper, on the twelfth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Newton, on the fourteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Orange, on the sixteenth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Jefferson, on the seventeenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Hardin, on the nineteenth Mondays after the first Mondays in March and September, and may continue in session one week.

SEC. 2. That the District Courts of the Second Judicial District be holden on the times hereinafter specified, to-wit:

In the county of Sabine, on the first Mondays in January and July, and may continue in session two weeks.

In the county of Shelby, on the second Mondays after the first Mondays in January and July, and may continue in session three weeks.

In the county of Panola, on the fifth Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Rusk, on the ninth Mondays after the first Mondays in January and July, and may continue in session six weeks.

In the county of Harrison, on the fifteenth Mondays after the first Mondays in January and July, and may continue in session until the business is disposed of.

SEC. 3. That the District Courts of the Third Judicial District be holden at the times hereinafter specified, to-wit:

In the county of San Augustine, on the first Mondays in September and February, and may continue in session two weeks.

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In the county of Nacogdoches, on the second Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Cherokee, on the fifth Mondays after the first Mondays in February and September, and may continue in session four weeks.

In the county of Houston, on the ninth Mondays after the first Mondays in September, and continue in session five weeks; and on the ninth Mondays after the first Mondays in February, and may continue in session six weeks.

In the county of Anderson, on the fourteenth Mondays after the first Mondays in September, and on the fifteenth Mondays after the first Mondays in February, and may continue in session until the business is disposed of.

SEC. 4. That the District Courts of the Fourth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Angelina, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Trinity, on the second Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Walker, on the fifth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Grimes, on the eighth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Madison, on the twelfth Mondays after the first Mondays in March and September and may continue in session two weeks.

In the county of Leon, on the fourteenth Mondays after the first Mondays in March and September, and may continue until the business is disposed of.

SEC. 5. That the District Courts of the Fifth Judicial District shall be holden at the times hereinafter specified, to-wit:

In the county of Cass, on the first Mondays in February and September, and may continue in session three weeks.

In the county of Bowie, on the third Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Morris, on the fifth Mondays after the first Mondays in February and September, and may continue in session one week.

In the county of Titus, on the sixth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Franklin, on the eighth Mondays after the first Mondays in February and September, and may continue in session one week.

In the county of Camp, on the ninth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Marion, on the eleventh Mondays after the first Mondays in February and September, and may continue in session eight weeks, or until the business of the term can be disposed of.

SEC. 6. That the District Courts of the Sixth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Grayson, on the first Mondays in January and July, and may continue in session seven weeks.

In the county of Fannin, on the seventh Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Lamar, on the eleventh Mondays after the first Mondays in January and July, and may continue in session six weeks.

In the county of Red River, on the seventeenth Mondays after the first Mondays in January and July, and may continue in session four weeks.

SEC. 7. That the District Courts of the Seventh Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Smith, on the second Mondays in March and September, and may continue in session six weeks.

In the county of Henderson, on the sixth Mondays after the second Mondays in March and September, and may continue in session two weeks.

In the county of Van Zandt, on the eighth Mondays after the second Mondays in March and September, and may continue in session three weeks.

In the county of Rains, on the eleventh Mondays after the second Mondays in March and September, and may continue in session one week.

In the county of Wood, on the Twelfth Mondays after the second Mondays in March and September, and may continue in session three weeks.

In the county of Upshur, on the fifteenth Mondays after the second Mondays in March and September, and may continue in session three weeks.

In the county of Gregg, on the eighteenth Mondays after the second Mondays in March and September, and may continue in session two weeks.

SEC. 8. That the District Courts of the Eighth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Hunt, on the first Mondays in January and July, and may continue in session four weeks.

In the county of Delta, on the fourth Mondays after the first Mondays in January and July, and may continue in session one week.

In the county of Hopkins, on the fifth Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Kaufman, on the ninth Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Rockwall, on the thirteenth Mondays after the first Mondays in January and July, and may continue in session one week.

In the county of Collin, on the four-

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teenth Mondays after the first Mondays in January and July, and continue in session six weeks.

SEC. 9. That the District Courts of the Ninth Judicial District be holden at the times hereinafter specified, to-wit.

In the county of Brazos, on the first Mondays in February and September, and may continue in session four weeks

In the county of Burleson, on the fourth Mondays after the first Mondays in February and September, and may continue in session four weeks.

In the county of Milam, on the eighth Mondays after the first Mondays in February and September, and may continue in session six weeks.

In the county of Robertson, on the fourteenth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

SEC. 10. That the District Courts of the Tenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Cooke, on the first Mondays in February and July, and may continue in session three weeks.

In the county of Denton, on the third Mondays after the first Mondays in February and July, and may continue in session three weeks.

In the county of Tarrant, on the sixth Mondays after the first Mondays in February and July, and may continue in session four weeks.

In the county of Parker, on the tenth Mondays after the first Mondays in February and July, and may continue in session three weeks.

In the county of Wise, on the thirteenth Mondays after the first Mondays in February and July, and may continue in session two weeks.

In the county of Clay, on the fifteenth Mondays after the first Mondays in February and July, and may continue in session two weeks.

In the county of Montague, on the seventeenth Mondays after the first Mondays in February and July, and may continue in session until business is disposed of.

SEC. 11. That the District Courts of the Eleventh Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Ellis, on the second Mondays in May and November, and may continue in session five weeks.

In the county of Dallas, on the fifth Mondays after the second Mondays in May and November, and may continue in session until the business is disposed of.

SEC. 12. That the District Courts of the Twelfth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Coryell, on the first Mondays in March and September, and may continue in session three weeks.

In the county of Hamilton, on the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Comanche, on the second Mondays in April and October, and may continue in session two weeks.

In the county of Brown, on the fourth Mondays in April and October, and may continue in session two weeks.

In the county of Coleman, on the second Mondays in May and November, and may continue in session one week.

In the county of Shackleford, on the third Mondays in May and November, and may continue in session one week.

In the county of Young, on the fourth Mondays in May and November, and may continue in session one week.

In the county of Jack, on the first Mondays in June and December, and may continue in session one week.

In the county of Palo Pinto, on the second Mondays of June and December, and may continue in session one week.

In the county of Hood, on the third Mondays in June and December, and may continue in session two weeks.

In the county of Somerville, on the second Mondays in July and January, and may continue in session one week.

In the county of Erath, on the third Mondays in July and January, and may continue in session two weeks.

In the county of Eastland, on the first Mondays in August and February, and may continue in session one week.

For judicial purposes Runnels shall be attached to Coleman; Taylor and Callahan to Eastland; Jones, Haskell, Throckmorton and Stephens to Shackelford.

SEC. 13. That the District Courts of the Thirteenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Limestone, on the first Mondays in March and September, and may continue in session four weeks.

In the county of Freestone, on the fourth Mondays after the first Mondays in March and September, and may continued in session four weeks.

In the county of Navarro, on the eighth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Hill, on the twelfth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Johnson, on the fifteenth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Bosque, on the nineteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

SEC. 14. That the District Courts of the Fourteenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Falls, on the first Mondays in March and September, and may continue in session four weeks.

In the county of Bell, on the first Mondays in April and October, and may continue in session four weeks.

In the county of McLennan, on the first Mondays in May and November,

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and may continue in session until the business is disposed of.

SEC. 15. That the District Courts of the Fifteenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Blanco, on the first Mondays in March and September, and may continue in session one week.

In the county of Hays, on the first Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Caldwell, on the third Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Bastrop, on the sixth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Fayette, on the tenth Mondays after the first Mondays in March and September, and may continue in session six weeks.

In the county of Austin, on the seventeenth Mondays after the first Mondays in March and September, and may continue in session four weeks.

SEC. 16. That the District Courts of the Sixteenth Judicial District be holden at the times hereinafter specified, to wit:

In the county of Washington, on the first Mondays in January and July, and may continue in session eight weeks.

In the county of Lee, on the eighth Mondays after the first Mondays in January and July, and may continue in session three weeks.

In the county of Williamson, on the eleventh Mondays after the first Mondays in January and July, and may continue in session four weeks.

In the county of Travis, on the fifteenth Mondays after the first Mondays in January and July, and may continue in session until the business is disposed of.

SEC. 17. That the District Courts of the Seventeenth Judicial District be holden at the times hereinafter specified, to wit:

In the county of Burnett, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Lampasas on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of San Saba, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Menard, on the sixth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Mason, on the eighth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Llano, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Gillespie, on the tenth Mondays after the first Mondays in March and September, and may continue until the business is disposed of.

The counties of Concho and Kimball are attached to Menard county for judicial purposes, and the county of McCulloch is attached for judicial purposes to the county of San Saba.

SEC. 18. That the District Courts of the Eighteenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Waller, on the first Mondays in January and July, and may continue in session three weeks.

In the county of Fort Bend, on the third Mondays after the first Mondays in January and July, and may continue in session three weeks.

In the county of Wharton, on the sixth Mondays after the first Mondays in January and July, and may continue in session three weeks.

In the county of Jackson, on the ninth Mondays after the first Mondays in January and July, and may continue in session two weeks.

In the county of Matagorda, on the eleventh Mondays after the first Mondays in January and July, and may continue in session two weeks.

In the county of Brazoria, on the thirteenth Mondays after the first Mondays in January and July, and may continue in session until the business is disposed of.

SEC. 19. That the District Courts of the Nineteenth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Lavaca, on the first Mondays in February and August, and may continue in session four weeks.

In the county of Colorado, on the fourth Mondays after the first Mondays in February and August, and may continue in session four weeks.

In the county of Gonzales, on the eighth Mondays after the first Mondays in February and August, and may continue in session five weeks.

In the county of Guadalupe, on the thirteenth Mondays after the first Mondays in February and August, and may continue in session four weeks.

In the county of Wilson, on the seventeenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

SEC. 20. That the District Courts of the Twentieth Judicial District be holden at the times hereinafter specified, to-wit:

In the county of El Paso, on the first Mondays in March and September, and may continue in session three weeks.

In the county of Presidio, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Pecos, on the seventh Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Tom Green, on the tenth Mondays after the first Mondays

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in March and September, and may continue in session three weeks.

The county of Crockett is attached to Tom Green county for judicial purposes.

SEC. 21. That the District Courts of the Twenty-first Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Montgomery, on the first Mondays in February and September, and may continue in session four weeks.

In the county of Harris, on the second Mondays in March and October, and may continue in session until the business is disposed of.

SEC. 22. That the District Courts of the Twenty-second Judicial District be holden at the times hereinafter specified, to-wit:

In the county of Comal, on the first Mondays in April and October, and may continue in session two weeks.

In the county of Atascosa, on the second Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Bexar, on the fourth Mondays after the first Mondays in April and October, and may continue in session until the business is disposed of.

SEC. 23. That the District Courts of the Twenty-third Judicial District be holden at the times hereinafter specified, to-wit:

In the county of DeWitt, on the first Mondays in March and September, and may continue in session three weeks.

In the county of Victoria, on the third Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Calhoun, on the sixth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Refugio, on the eighth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Aransas, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of San Patricio, on the tenth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Goliad, on the eleventh Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Bee, on the thirteenth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Live Oak, on the fourteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Karnes, on the sixteenth Mondays after the first Mondays in March and September, and may continue in session two weeks.

McMullen county is attached to Live Oak county for judicial purposes.

SEC. 24. That the District Courts of the Twenty-fourth Judicial District be holden at the times hereinafter specified, to wit:

In the county of Kendall, on the first Mondays in March and September, and may continue in session one week.

In the county of Kerr, on the second Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Bandera, on the third Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Medina, on the fourth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Frio, on the sixth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Uvalde, on the seventh Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kinney, on the ninth Mondays after the first Mondays in March and September, and may continue in session one week.

In the county of Maverick, on the tenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

The unorganized counties of Dimmitt and Zavalla are attached, for judicial purposes, to the county of Maverick; Edwards county is attached, for judicial purposes, to Kerr county, and LaSalle county to Frio county.

SEC. 25. That the District Courts of the Twenty-fifth Judicial District be holden at the times hereinafter specified, to wit:

In the county of Cameron, on the third Mondays in February and August, and may continue in session four weeks.

In the county of Hidalgo, on the fourth Mondays after the third Mondays in February and August, and may continue in session one week.

In the county of Starr, on the fifth Mondays after the third Mondays in February and August, and may continue in session one week.

In the county of Zapata, on the sixth Mondays after the third Mondays in February and August, and may continue in session one week.

In the county of Webb, on the seventh Mondays after the third Mondays in February and August, and may continue in session two weeks.

In the county of Nueces, on the tenth Mondays after the third Mondays in February and August, and may continue in session four weeks.

Encinal county is attached, for judicial purposes, to Webb county, and Duval county to the county of Nueces.

SEC. 26. That the District Courts of the Twenty-sixth Judicial District be

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holden at the times hereinafter specified, to wit:

In the county of Galveston, on the first Mondays in February, April, June, October and December, and may continue in session until the business is disposed of.

SEC. 27. All writs and process, civil and criminal, heretofore issued by or from the District Courts, in the several counties of this State, and made returnable to the former terms of said courts, as said terms are now fixed by law, shall be returnable to the next ensuing terms of said District Courts in each county, as they are prescribed in this Ordinance; and all such writs and process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein, are hereby made returnable to said terms respectively; and all such writs and process hereinbefore mentioned are hereby legalized and validated, to all intents and purposes, as if the same had been made returnable to the term or terms of said court, as the terms thereof are herein prescribed.

SEC. 28. That in case where the time has partly elapsed for holding any term of the District Court, as herein prescribed, at the time of the qualification of the District Judge of said District, then said Judge shall proceed to hold said court for the remainder of said term.

E. B. PICKETT,
President of the Convention.

Attest: LEIGH CHALMERS,
Secretary of the Convention.

AN ORDINANCE

Submitting the New Constitution to a vote of the People, and for Other Purposes.

SEC. 1. *Be it ordained by the People of Texas, in Convention assembled*, That the new Constitution, framed by this Convention, shall be submitted to the electors of this State at an election, which shall be held throughout the State on the third Tuesday in February, A. D. 1876, for their ratification or rejection. Those electors in favor of ratification shall have written or printed on their ballots, "For the Constitution." Those electors opposed to the ratification shall have written or printed on their ballots, "Against the Constitution." If a majority of all the votes cast at said election, and returned to the secretary of state, shall be in favor of ratification, the governor shall, within five days next succeeding the return day, issue his proclamation declaring the fact, and then the new Constitution shall on the third Tuesday in April, A. D. 1876, become, and thereafter be, the organic and fundamental law of the State. If, however, a majority of all the votes so cast and returned be against ratification, then the new Constitution shall have and be of no effect whatever.

SEC. 2. *Be it further ordained*, That at the same time there shall be a general election held throughout the State, for all State, district, county and precinct officers, created and made elective by the new Constitution. The election, as far as practicable shall be held and conducted as now provided by law; but no registration of voters shall be required, and every elector shall vote in the precinct of his residence; *provided*, that electors residing in unorganized counties may vote in any precinct of the county to which their respective counties are attached for judicial purposes. The qualification of electors shall be as defined in the article regulating suffrage in the new Constitution.

SEC. 3. *Be it further ordained*, That the County Courts now existing shall meet at their respective county seats within twenty days after the adjournment of this Convention, or as soon thereafter as practicable, and redivide their respective counties into the number of precincts provided for by the new Constitution and make immediate proclamation thereof for the information of the people. Said courts shall establish at least one voting place in each precinct, and where deemed necessary for public convenience, they shall establish two or more voting places in any precinct.

SEC. 4. *Be it further ordained;* That the returns of said election shall be made as now provided by law, to the presiding justice of each county, and to the returning officer of each returning county named in the ordinance apportioning the State into senatorial and representative districts passed by this Convention, as is now required by law, and to the secretary of state where by law it is now required. In all cases the returns shall be made, opened, counted, and the result recorded and declared by the proper officers as is provided by existing laws, and the returns of the election of all judges shall be made by the presiding justice of each county to the secretary of state.

SEC. 5. If the new Constitution shall be ratified by the people, then the county judges, county attorneys, and other county officers created by the new Constitution, shall, until otherwise provided, receive such fees as were allowed by the Constitution and laws of 1866.

SEC. 6. *Be it further ordained;* That in case the new Constitution shall be ratified at said election, the senators and representatives then elected, shall assemble as the Fifteenth Legislature, at the seat of government, on the third Tuesday in April, A. D., 1876.

SEC. 7. *Be it further ordained;* That after the first election herein provided for, until otherwise prescribed by law, the regular biennial elections of this State, for State, district, county and precinct officers, after the year 1876, shall be held on the Tuesday next after the first Monday in November, every second year commencing with November, 1878. All officers elected at the election herein provided for, shall hold their offices as though

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they had been elected in November, 1876, whether the tenure of their offices, by the new Constitution be for two, four or six years.

SEC. 8. *Be it further ordained;* That all judicial, district, county and precinct officers elected in accordance with the provisions of this ordinance shall be installed in office on the third Tuesday in April, A. D. 1876; *provided*, that persons, so elected who may be prevented from qualifying by reason of illness or absence, shall have twenty additional days in which to do so. The Governor and all State officers not named before in this section, shall be installed on the first Tuesday after the assemblage of the Legislature elected as herein provided. As each newly elected officer may be qualified, his predecessor, if any, shall cease his functions, and deliver to his successor all books, papers, archives and records, and all property of whatever nature or kind, pertaining to his office or in his possession or charge.

SEC. 9. There shall be no session of the Legislature in January, 1876, unless specially called by the governor, nor except under the provisions of the new Constitution and this ordinance, or under the ordinance of this Convention postponing the election of December, 1875.

SEC. 10. That this ordinance shall take effect and be in full force from and after its passage.

E. B. PICKETT,
President of the Convention.
Attest: LEIGH CHALMERS,
Secretary of the Convention.

AN ORDINANCE

Supplementary to an Ordinance to Provide for Submitting the Constitution to a Vote of the People, and for a General Election under its Provisions.

SECTION 1. *Be it ordained by the People of Texas in Convention assembled;* That all returns of the election to be held on the third Tuesday in February, 1876, under the provisions of the ordinance to which this is supplementary, shall be made to the presiding justice of each county, by the proper election officers, on or before the Saturday, next succeeding the said day of election, on which day the presiding justice, or, in his absence, or refusal to act, the district clerk shall open, compare and record the votes for all officers, and on the ratification or rejection of the Constitution, as is provided for other elections by law. The presiding justice or, district clerk, as the case may be, shall immediately make return of the vote for or against the Constitution, for all State officers, all judicial officers, and for district attorneys in the districts in which they are to be chosen. The returns for governor and other State officers shall be made separately, and addressed to the speaker of the house of representatives, to the care of the secretary of state. The returns for and against the Constitution, for judges of the supreme, appellate and district courts, and for district attorneys, shall be addressed to the secretary of state. On the third Tuesday in March, the governor, secretary of state and attorney general shall open, count, record and declare the result in the returns for and against the Constitution, for supreme, appellate and district judges, and for district attorneys; whereupon, within five days, the governor shall make proclamation of the result, as to the ratification or rejection of the Constitution; and if the Constitution be ratified, issue certificates of election to the persons who may be chosen, to the respective judicial and district offices herein referred to. E. B. PICKETT,
President of the Convention.
Attest: LEIGH CHALMERS,
Secretary of the Convention.

AN ORDINANCE.

Be it ordained by the people of Texas, in convention assembled, That the governor be authorized and requested, immediately upon the adjournment of this Convention, to issue his proclamation for the election contemplated by "an ordinance submitting the new constitution to a vote of the people, and for other purposes," passed by this Convention on the 22d day of November, A. D. 1875, and an ordinance supplemental thereto, passed on the 23d day of November, 1875; and that said election be holden in the manner prescribed in said ordinance and supplement, and by such officers as are authorized by law to hold general elections under existing laws.

Passed November 23d, 1875.

E. B. PICKETT,
President of the Convention.
Attest: LEIGH CHALMERS,
Secretary of the Convention.

Resolved, that George Flournoy, W. P. Ballinger and W. H. Stewart, members of this Convention, be and they are hereby appointed a committee to supervise the printing of the Constitution, and see that the work is done in accordance with the enrolled copy.

Adopted November 23d, 1875.

LEIGH CHALMERS,
Secretary of the Convention.

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