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And the question being taken thereon, it was decided in affirmative.

Whereupon, the president appointed Messrs. Pennington and Badgett, said committee.

On motion of Mr. Hardeman,

*Resolved*, That all subjects not directly connected with the constitution of this republic, lay on the table until that instrument be adopted by this convention. Which, on motion of Mr. Collinsworth, was laid on the table.

On motion of Mr. Parmer,

*Resolved*, That all commissioned officers in the regular army, who have not the number of men required by law, under their command, or who are not in the field, shall be subject to draft the same as private citizens.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Parmer,

The convention adjourned till to-morrow morning, nine o'clock.

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WEDNESDAY, MARCH 9, 1836.

The Convention met pursuant to adjournment.

Mr. Parmer, chairman of the committee appointed to draft a constitution, made the following report:

We, the people of Texas, in order to form a government, establish justice, ensure domestic tranquility, provide for the common defence and general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the republic of Texas.

## ARTICLE I.

SECTION 1. The powers of this government shall be divided into legislative, executive and judicial. All legislative power herein granted, shall be vested in a senate and house of representatives, which shall be styled the congress of the republic of Texas.

SEC. 2. The members of the house of representatives shall be chosen every year, on the first Monday of October, by the qualified electors, and shall serve for the term of one year from the day of the commencement of the general election.

SEC. 3. No person shall be a representative unless he be a citizen of the republic, and an inhabitant of the county, district or municipality for which he shall be chosen, and shall have obtained the age of twenty-one years.

SEC. 4. The general congress shall, at their first session, and every three years thereafter, until the year eighteen hundred and fifty, then every six years, cause an enumeration to be made of the inhabitants of the republic. At the first session, after making such enumeration, the number of representatives shall be fixed and apportioned among the several counties entitled to separate representation, according to the respective number of citizens, and the said apportionment, when made, shall not be subject to alteration until after the census shall be taken.

SEC. 5. The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population amounts to more than one hundred thousand, (100,000,) after that, the whole number of representatives shall never be less than forty members, nor more than one hundred; *Provided, however,* That each county shall be entitled to one representative.

SEC. 6. The house of representatives shall choose their own speaker and other officers; and shall have the sole power of impeachment.

SEC. 7. The senators shall be chosen by districts, as nearly equal in number of white inhabitants as may be; each district shall be entitled to one representative and no more; *Provided,* That the number of senators shall never be less than one-third, nor more than one-half, of the whole number of representatives.

SEC. 8. Senators shall be chosen for the term of three years, and shall reside in the district for which they were elected; and shall have attained the age of thirty years.

SEC. 9. At the first session of congress, after the adoption of the constitution, the senators shall be divided, by lot, into three classes as equal as may be. The seats of the senators of the first class shall be vacated at the end of the first year, of the second at the end of the second year, of the third class at the end of the third year, so that one-third shall be chosen every year.

SEC. 10. The vice president of the republic shall be president of the senate, but shall not vote unless they be equally divided.

SEC. 11. The senate shall choose their other officers, and their president pro tempore, in the absence of the vice president, or when he exercises the office of president; shall have the sole power of impeachments; when sitting for that purpose shall be under oath, and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 12. Indictment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this government. But the party convicted shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 13. Each house shall be the judge of the elections, qualifications, and returns of its own members. Two thirds of each

house shall constitute a quorum to do business, but a smaller, shall adjourn from day to day, and may compel the attendance of absent members.

SEC. 14. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, may expel a member, but not a second time for the same offence.

SEC. 15. Senators and representatives shall receive a compensation for their services, to be ascertained by law; but no increase of compensation shall take effect during the session at which such increase shall have been made. They shall, in all cases, except treason, felony, and breach of peace, be privileged from arrest during the session of congress, or in going to or returning home from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 16. Each house may punish by impeachment during their session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly conduct in their presence.

SEC. 17. Each house shall keep a journal of their proceedings, and publish the same, except such parts as, in their judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered upon the journals.

SEC. 18. Neither house, without the consent of the other, shall adjourn, for more than three days, nor to any other place than that in which the two houses may be setting.

SEC. 19. When vacancies happen in either house, the executive shall issue writs of election to fill such vacancies.

SEC. 20. No bill shall become a law until, on three several days it be read in each house, unless in cases of immergency, two-thirds of the house where the bill shall be depending, may deem it expedient to dispence with the rule.

SEC. 21. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

SEC. 22. The style of the laws of this republic shall be, "Be it enacted by the republic of Texas, in general congress assembled."

SEC. 23. No person holding any office under this government, to which any emolument is attached, shall be a member of either house during his continuance in office. Nor shall any senator or representative receive an appointment to any office, which was created, or emoluments increased during the time for which he was elected.

SEC. 24. No collector or holder of public monies shall have a seat in either house of the congress, until he has accounted for, and paid over to the treasurer, all sums for which he may be liable.

SEC. 25. Any member of either house may dispute and protest any act or resolve, and have his reasons entered on the journal.

SEC. 26. No money shall be drawn from the public treasury but in consequence of appropriations made by law. And no appropriations for local or private purposes shall be made, except by the concurrence of two thirds of the members of each house.

SEC. 27. Every bill which shall have passed both houses of congress, shall, before it becomes a law, be presented to the president of the republic of Texas; if he approve he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, who shall enter the objections at large on the journals, and proceed to reconsider it. If two thirds of both houses approve of the purpose of the bill on a reconsideration, it shall become a law; but the votes of both houses shall be taken by yeas and nays and entered on the journals of each respectively. If a bill shall not be returned by the president within five days (Sunday excepted) after it shall be presented to him, the same shall be a law in like manner as if he had signed it, unless adjournment of congress prevents its return.

SEC. 28. Every order, resolution or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the president, and before they take effect shall be approved by him, or being disapproved, shall be passed by two-thirds of the senate and house of representatives.

## ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes, duties, impost and excises; to borrow money on the credit of the republic of Texas, to pay the debts and provide for the common defence and general welfare of the country.

SEC. 2. To regulate commerce with foreign nations and with the Indian tribes. To coin money, regulate the value thereof and of foreign coin. To fix the standard of weights and measures; but shall not make anything but gold and silver a lawful tender in payment of debts.

SEC. 3. To establish post offices and post roads.

SEC. 4. To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water.

SEC. 5. To provide and maintain a navy, to raise and support armies, and to make rules for the government and regulation of the land and naval forces.

SEC. 6. To provide for calling forth the militia to execute the laws of the republic, suppress insurrection and repel invasion.

SEC. 7. To make all laws which shall be necessary and proper for calling into execution the foregoing powers, and all other powers vested by this constitution in the government of the republic of Texas, or in any department or officer thereof.

ARTICLE III.

SEC. 1. The supreme executive of this republic shall be styled the president of the republic of Texas.

SEC. 2. The president shall be elected for the term of three years, by the qualified voters of members to congress, and at the same time and place designated for electing senators and representatives. The person having a majority of all the votes given, shall be president. If no person have a majority of all the votes given, then the house of representatives shall immediately choose, *vive voce*, one of the two who have received the highest number of votes, who shall be the president.

SEC. 3. The returns of every election for president shall be sealed up, and transmitted to the seat of government by the returning officers, or holders of elections, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each of the houses of congress.

SEC. 4. He shall be thirty-five years of age and a citizen of this republic at the time of the adoption of this constitution, or shall have been an inhabitant of this republic at least three years preceding his election.

SEC. 5. He shall commence the execution of his office on the second Monday in November next after his election, and continue in the execution thereof until his successor shall have taken the oath prescribed by this constitution.

SEC. 6. The president, at stated times, shall receive for his services a compensation, which shall be neither increased nor diminished during the term for which he shall be elected. Before he enters on the duties of his office, he shall take the following oath:

SEC. 7. He shall be commander-in-chief of the army and navy of this republic, and the militia thereof, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general congress. And he shall have power to remit fines and forfeitures, to grant reprieves and pardons for offences against the republic of Texas, except in cases of impeachment.

SEC. 8. He shall have the power, by and with the advice and consent of the senate, to make treaties: *Provided*, Two-thirds of the senators present concur. And he shall, by and with the advice and consent of the senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.

SEC. 9. The president shall have power to fill all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session.

SEC. 10. He shall, from time to time, give congress information of the state of the republic, and recommend to their consideration such measures as he shall judge necessary. He may, on extraordinary occasions, convene both houses of congress, or either of them. In case of disagreement between them as to the time of adjournment, he may adjourn them, to such time as he may think proper. He shall receive all public ministers; he shall see that the laws be faithfully executed, and shall commission all the officers of the republic.

SEC. 11. There shall be a seal of the republic, which shall be kept by the president and used by him officially, and shall be called the great seal of the republic of Texas.

SEC. 12. All grants and commissions shall be in the name and by the authority of the republic of Texas, be sealed with the seal and signed by the president.

SEC. 13. A secretary of the republic shall be appointed and commissioned during the term of four years, he shall keep a fair register of all the official acts and proceedings of the president, and shall, when required, lay the same and all other papers, minutes, and vouchers relative thereto, before the general congress, and shall perform such other duties as shall be enjoined on him by law.

#### ARTICLE IV.

SEC. 1. Every free white male citizen of the age of twenty-one years and upwards, and being an inhabitant of the county or district, shall be entitled to vote for member of the general congress for the county or district in which he may reside.

SEC. 2. All elections shall be by ballot.

SEC. 3. All elections by joint vote of both houses of congress shall be *vive voce*, and each vote entered on the journals.

SEC. 4. A vice president shall be chosen at every election for president, in the same manner, continue in office the time, and possess the same qualifications. In voting for president and vice president, the electors shall distinguish whom they vote for as president and whom as vice president.

SEC. 5. In case of impeachment, removal from office, death or resignation, or absence from the republic of the president, the vice president shall exercise all the powers appertaining to the office of president until another be duly qualified, or the president absent, or impeached, shall return, or be acquitted.

SEC. 6. The president, vice president, and all civil officers of the republic, shall be removed from office on impeachment, and for conviction of treason, bribery, and other high crimes and misdemeanors.

JUDICIARY—ARTICLE V.

SEC. 1. The judicial power of the republic of Texas shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time ordain and establish.

SEC. 2. The judges of the supreme and inferior courts shall hold their offices for four years, eligible to a re-election; and shall, at stated periods, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 3. They shall have exclusive admiralty and maritime jurisdiction, and original jurisdiction in all civil cases where the matter in controversy amounts to one hundred dollars.

SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace throughout the republic. The style of all process shall be "the Republic of Texas;" all prosecutions shall be carried on in the name, and by the authority, of the republic of Texas, and conclude, "against the peace and dignity of the republic of Texas."

SEC. 5. There shall be a district attorney appointed for each district; their duties, salaries, perquisites and term of service, shall be fixed by law.

SEC. 6. There shall be in each county, a county court, and such justices' courts as the congress may establish.

SEC. 7. The republic shall be divided into convenient counties, but no new county shall be established containing a less quantity than six hundred and twenty-five square miles, nor except on the petition of one hundred free male inhabitants, within the limits or bounds of such new county, prayed to be laid off.

SEC. 8. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years; to be elected by the qualified voters of the district or county, as congress may direct. Justices of the peace and sheriffs shall be commissioned by the president.

SEC. 9. All proceedings in courts of justice shall be in conformity to the common law, as is applicable to the situation of the republic, and not inconsistent with this constitution, shall be the common law of the land, but no penalty shall be inflicted under said law, except fine and imprisonment; but congress may, from time to time, alter or abolish such portions of said common law as they may think proper.

SEC. 10. Every person who shall be chosen, or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution and also an oath of office.

SEC. 11. That each member of the senate and house of representatives shall, before they proceed to business, take an oath to

support the constitution, and also the following oath: I, A. B. do solemnly swear that as a member of this general congress I will, in all cases, vote without favor, affection, partiality or prejudice, and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people.

## ARTICLE VI.

SEC. 1. No minister of the gospel, priest or ecclesiastic shall hold any office in the republic.

SEC. 2. The clerks of the district and supreme courts shall be appointed by the judges of the respective courts.

SEC. 3. The judges may be removed from office by the president, on a concurrent vote of both houses; two-thirds of each house must concur in such vote, and the causes of such removal shall be entered on the journals of each house. The judge, against whom the congress may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least thirty days before the day on which either house of the general congress shall sit thereupon.

SEC. 4. The judges of the district and supreme courts, and the district attorneys, shall be at least twenty-five years of age, and shall be learned in the law.

SEC. 5. The supreme court shall consist of a chief justice and associate judges. The district judges shall compose the associate judges, a majority of which, with the chief justice, shall constitute a quorum.

SEC. 6. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the republic, and shall hold its session annually, at such time and place as may be fixed by law.

SEC. 7. The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

SEC. 8. The republic of Texas shall be divided into convenient judicial districts, not less than three, nor more than eight; there shall be appointed for each district a judge, who shall reside in the same, and hold his term at such times and places as congress may direct.

SEC. 9. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district court shall have exclusive original jurisdiction.

SCHEDULE.

SEC. 1. That no inconvenience may arise from the adoption of this constitution, it is declared by this convention, that all laws now in force in Texas, and not inconsistent with this constitution, shall remain in full force, until declared void, repealed, altered, or expire by their own limitation.

SEC. 2. All fines, penalties, forfeitures and escheats which have heretofore accrued to Coahuila and Texas, shall accrue to the republic.

SEC. 3. Every male citizen, who is by this constitution a citizen and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust or profit under the republic, anything in this constitution to the contrary notwithstanding.

SEC. 4. The first president and vice president who shall be appointed after the adoption of this constitution, shall be chosen by this convention, who shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified as prescribed in article — and section — of this constitution, who shall have the same qualifications, invested with the same powers, and perform the same duties, which is required of and conferred on the executive head of the republic by this constitution.

SEC. 5. The president shall issue writs of election, directed to the officers authorized to hold elections in the several counties, requiring them to cause an election to be held for president, vice president, representatives and senators to congress, at the time and mode prescribed by this constitution; which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice president, and members of congress, when duly elected, shall continue to discharge the duties of their respective offices for the term and in the manner prescribed by this constitution, until their successors shall be duly qualified.

SEC. 6. Until the first enumeration shall be made as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria, two representatives; the precinct of Bexar, two representatives; the precinct of Colorado, one representative; Sabine, one; Gonzales, one; Goliad, one; Harrisburg, one; Jasper, one; Jefferson, one; Liberty, one; Matagorda, one; Mina, two; Nacogdoches, two; Red River, three; Victoria one; San Augustine, two; Shelby, two; Refugio, one; San Patricio, one; Washington two; Milam one and Jackson one representative.

SEC. 7. Until the first enumeration shall be made as prescribed by the constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one

senator; San Patricio, Refugio and Goliad one; Brazoria, one; Mina and Gonzales, one; Nacogdoches, one; Red River, one; Shelby and Sabine, one; Washington, one; Matagorda, Jackson and Victoria, one; Austin and Colorado, one; San Augustine, one; Milam, one; Jasper and Jefferson, one; Liberty and Harrisburg one senator.

SEC. 8. All judges, sheriffs, commissaries and other civil officers, shall remain in office and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the constitution.

The declaration of rights hereunto annexed, is declared to be a part of the constitution of the republic, and shall never be violated on any pretence whatever. And in order to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right, not hereby delegated, are reserved to the people.

#### DECLARATION OF RIGHTS.

SEC. 1. That all men, when they form a social compact, are equal in rights; and that no man or set of men, are entitled to **exclusive public privileges** or emoluments from the community.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable right to alter their form of government in such manner as they may think expedient.

SEC. 3. No preference shall be given by law to any christian sect or mode of worship, and every person shall be permitted to worship Almighty God according to the dictates of his own conscience.

SEC. 4. Every citizen may freely speak, write and publish his own sentiments on all subjects, being responsible for the abuse of the same.

SEC. 5. No law shall ever be passed to curtail the liberty of speech or the press. In all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the fact, under the direction of the court.

SEC. 6. The people shall be secure in their person, houses, papers and possessions, from any unreasonable search or seizures; and no warrant to search any place or to seize on any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 7. In all criminal prosecutions the accused shall be heard by himself and counsel; to demand the nature of the cause of the ac-

cusion; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favor. And in all prosecutions by presentment or indictment, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by due course of law. And no free man shall be holden to answer for any criminal charge but by presentment, indictment or by a grand jury, except in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or in case of impeachment.

SEC. 8. No citizen shall be taken, or imprisoned, or dispossessed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner disfranchised, or deprived of his life, liberty or property, but by the law of the land.

SEC. 9. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this republic. No person holding any office of trust or profit, shall without the consent of congress, receive from any foreign state any present, office or emoluments of any kind.

SEC. 10. No person for the same offence shall be twice put in jeopardy of life or limb. And the right of trial by jury shall remain inviolate.

SEC. 11. All persons shall be bailable by sufficient sureties, unless for capital crimes, when the proof is evident or the presumption strong; and the privilege of the writ of habeas corpus, shall not be suspended except in cases of rebellion or invasion, the public safety may require it.

SEC. 12. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 13. The person of a debtor, when there is not strong presumption of fraud, shall not be imprisoned, after delivering up his estate for the benefit of his creditor or creditors, in such manner as may be prescribed by law. No person shall be imprisoned for debt in consequence of inability to pay.

SEC. 14. No person's particular services shall be demanded nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

SEC. 15. Every citizen shall have the right to bear arms in defence of himself and the republic.

SEC. 16. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 17. The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature

to enact such laws as may be necessary to the organization of this republic.

SEC. 18. Treason against the republic, shall consist only in levying war against it, or adhering to its enemies, giving them aid and support.

SEC. 19. No retrospective, or expose facto law, or law impairing the obligations of contract shall be made.

SEC. 20. Perpetuities and monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or of entailments be ever in force in this republic.

### GENERAL PROVISIONS.

SEC. 1. The republic of Texas shall include all the country formally known as the province of Texas; but the people reserve to themselves exclusively the right of hereafter settling the limits and boundaries of the same.

SEC. 2. All lands liable to taxation shall be classed into first, second and third class, divided into first, second and third quality, and shall be taxed according to their several qualities.

SEC. 3. Laws shall be made to exclude from office, suffrage and from serving on juries, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes and misdemeanors.

SEC. 4. Returns of all elections for officers who are to be commissioned by the president, and for members of the general congress, shall be made to the secretary of the republic.

SEC. 5. The president and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress.

SEC. 6. The president shall make use of his private seal until a seal of the republic shall be provided.

SEC. 7. It shall be the duty of congress, as soon as circumstances will permit, to provide by law a general system of education.

SEC. 8. All free white persons who shall emigrate to this republic, who shall, after a residence of six months, make oath before some competent authority, that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship.

SEC. 9. So soon as convenience will permit, there shall be formed a penal code, on principles of reformation and not of vindictive justice; and the civil and criminal laws shall be revised, digested and arraigned under different heads. The laws relating to land titles shall be translated, revised and promulgated.

SEC. 10. All persons who shall leave the country for the purpose of avoiding a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all right of citizenship, and such lands as they may hold in this republic.

SEC. 11. There shall be a tribunal established by law, from whose decision there shall be no appeal, for the adjudication of all land titles within the republic; but no claim shall be confirmed by said tribunal until Congress shall have passed on the same; nor shall congress act on any claim or grant which originated previous to the adoption of this constitution, before the same shall be recommended by said tribunal for confirmation.

SEC. 12. So soon as practicable there shall be established a land office, under such regulations as congress may direct; provided, however, that all those who are entitled to lands under this constitution shall have a preference over all others.

The public lands being the only resource and wealth of the republic, congress shall have no power to give or grant them away, except for a price to be fixed by law. Actual settlers shall have a preference of purchase at the minimum price, so as to include his improvement, on such terms as may be regulated by law; provided, however, that nothing herein contained will prevent congress providing for the army during the present struggle.

SEC. 13. All persons (slaves and Indians excepted) residing in Texas on the day of the declaration of independence, shall be considered as citizens of the republic, and entitled to all the privileges as such. Every man of a family, being a citizen, shall have confirmed to him a league and a labor of land; and every single man of twenty-one years of age and upward, and such volunteers as may serve faithfully for the term of six months, being citizens, shall have confirmed to him one third of a league of land. And all citizens now actually settled on lands, shall be privileged to include their improvements in their location, over all other claims whatever, except those settlers who have obtained possession of their settlements by lease or rent; and the citizens aforesaid, shall not be required to reside on the lands so confirmed to them, but shall have their boundaries plainly marked.

SEC. 14. All lands within the limits of this republic, which are vacant or not held agreeably to law, shall belong to and constitute a fund for the use of the republic; provided, however, that nothing herein contained shall be so construed so as to prejudice the rights of citizens provided for in this constitution.

SEC. 15. Whereas, it is believed by this convention that great frauds have been committed in obtaining grants for lands and orders for surveys in Texas, do hereby declare all sales of lands made by the legislature of Coahuila and Texas, and located in Texas, and all lands, the locations of which are unauthorized by law;

and all grants, the conditions whereof have not been complied with; and all grants or titles issued in violation of the laws of the consultation; and all titles that may be hereafter issued unless under the authority of this constitution; and all grants that may have been antedated, shall be null and void. Provided there be nothing herein contained to prejudice the grants of lands obtained under the colonization law.

SEC. 16. Where an actual settler on lands hath obtained an order of survey from a commissioner lawfully authorized to act as such; the survey already actually made shall be valid, provided it does not interfere with any other actual settler.

### SLAVES.

SEC. 1. All persons of color who were slaves for life, previous to their emigration to Texas, and who are now held as bonded servants or otherwise, shall remain in the like state of servitude in which they would have been held in the country from which they came; provided the person or slave be the bona fide property of the person holding the same, either by purchase or otherwise. Congress shall pass no law to prohibit emigrants from the United States of America, from bringing their slaves with them, and holding them on the same terms and by the same tenure as they were held in the country from which they were brought. Congress shall have no power to pass laws for the emancipation of slaves; nor shall any person holding slaves be permitted to emancipate them, unless he remove them beyond the limits of this republic; unless, in case of meritorious conduct on the part of the slave, and by the consent of the legislature first had and obtained.

No free person of African descent shall be permitted to emigrate and reside in this republic, unless by special act of congress, which must specify the person by name.

Congress may by legislative acts compel the owners of slaves to treat them with humanity, and provide them with sufficient food and clothing; and may prevent their introduction as merchandise, or from any other country except that of the United States of America.

SEC. 2. In the prosecution of slaves for crimes, no inquest of a grand jury shall be necessary, but the proceedings thereof shall be regulated by law, except in capital cases; the general congress shall have no power to deprive them of a trial by jury.

Any amendment or amendments to this constitution, may be proposed in either house of congress, and if the same be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on the journals with the yeas and nays taken thereon; and it shall be published at least

three months previous to the election for members to said congress; and if in congress next chosen as aforesaid, such amendment or amendments shall be agreed to by two thirds of all the members elected to each house, then it shall be the duty of the congress to submit such proposed amendment or amendments to the people, in such manner and at such time as congress may prescribe; and if a majority of the qualified voters for members to congress, shall ratify the same, such amendment or amendments shall become a part of this constitution; provided, however, that amendment or amendments be not submitted more than once in three years.

On motion of Mr. Parmer, the report was received.

On motion of Mr. Everett,

The Convention resolved itself into a committee of the whole upon the report, Mr. Everett in the chair; and after some time spent therein,

On motion of Mr. Roberts,

The committee rose, and Mr. Everett reported that the committee of the whole house had had under consideration the report of the committee, appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas,

The Convention adjourned till two o'clock, p. m.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Thomas,

The Convention resolved itself into a committee of the whole house upon the report of the committee to draft a constitution, Mr. Thomas in the chair, and after some time spent therein,

On motion of Mr. Rusk,

The committee rose, and Mr. Thomas reported that the committee of the whole, had had under consideration the report of the committee appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas, the report was received.

Mr. Collinsworth, chairman of the committee on public documents, made the following report:

In regard to the loan contracted by your commissioners in the United States, your committee are of opinion that it is not so advantageous to this government as could have been desired. But when it is considered that the late consultation had declared for the republican principles of the constitution of eighteen hundred and twenty-four, which gave us no distinct national existence; which declaration, however proper at the time, tended very much to abate the enthusiasm felt in our behalf. And when it is further considered, that this fact alone rendered any security on Texas

extremely precarious, and that too, at a time when our national existence depended upon the immediate reception of money, provisions and arms, to carry on the war, your committee are satisfied that the loans submitted were the best that could have been made under the circumstances.

Add to this the great importance of at all times preserving good faith as a nation, your committee are of opinion that it is due to your commissioners, and to yourselves, that the loans should be unhesitatingly ratified.

Your committee having also had under consideration the treaty made by your late commissioners, with the small tribes of Indians specified in said treaty, are of opinion that said treaty is probably as favorable as could have been made at the time under all the circumstances, and recommends its ratification.

They have also had under consideration the proposition of John T. Lamar, which proposition is herewith submitted as part of this report, and recommend its adoption.

JAS. COLLINSWORTH, Chairman,

Mr. Childress introduced the following preamble and proviso:

Whereas, the African slave trade being abhorrent to the laws of God and the feelings of all civilized nations, the encouragement of such inhuman traffic shall be made piracy by the laws of the land, and all persons legally convicted, before the legitimate tribunals, of being hereafter engaged in it, either directly by capturing Africans, or purchasing them out of slave ships, or knowingly from those who may have previously bought them, shall suffer the punishment of death, and such captured persons to be disposed of in such manner as may be hereafter prescribed by congress; *Provided*, That this article shall not be construed to prohibit emigrants from bringing their slaves into the country, and that no free people of color shall ever be admitted to reside in the republic after the ratification of this constitution.

On motion of Mr. Rusk,

The resolution was referred to the committee to draft the constitution.

On motion of Mr. Menifee,

The Convention adjourned till to-morrow morning at nine o'clock.