

## CONSTITUTION OF THE STATE OF TEXAS.

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OF  
THE STATE OF TEXAS,

ADOPTED BY

*The constitutional convention convened under the reconstruction acts of Congress passed March 2, 1867, and the acts supplementary thereto; to be submitted for ratification or rejection at an election to take place on the first Monday of July, 1869.*

MARCH 30, 1869.—Referred to the Committee on Reconstruction and ordered to be printed.

## PREAMBLE.

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

## ARTICLE I.

## BILL OF RIGHTS.

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

SECTION 1. The Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law; that this constitution is framed in harmony with, and in subordination thereto; and that the fundamental principles embodied herein can only be changed, subject to the national authority.

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

SEC. 3. No religious test shall be required as a qualification to any office of public trust in this State.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience

in matters of religion; and no preference shall ever be given, by law, to any religious societies or mode of worship. But it shall be the duty of the legislature to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

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

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

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

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

SEC. 9. All prisoners shall be bailable upon sufficient sureties, unless for capital offences, when the proof is evident; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a judge of the supreme or district court, upon the return of the writ of *habeas corpus*, returnable in the county where the offence is committed.

SEC. 10. The privileges of the writ of *habeas corpus* shall not be suspended, except by act of the legislature, in case of rebellion or invasion, when the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor 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. 12. No person, for the same offence, shall be twice put in jeopardy of life; nor shall a person be again put upon trial for the same offence, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the legislature may prescribe.

SEC. 14. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made; and no person's property shall be taken or applied to public use without just compensation being made, unless by the consent of such person; nor shall any law be passed depriving a party of any remedy for the enforcement of a contract, which existed when the contract was made.

SEC. 15. No person shall be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty,

property, privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

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

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

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

SEC. 20. No power of suspending laws in the State shall be exercised, except by the legislature, or its authority.

SEC. 21. The equality of all persons before the law is herein recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege, or immunity, nor be exempted from any burden, or duty, on account of race, color, or previous condition.

SEC. 22. Importations of persons under the name of "coolies," or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State.

SEC. 23. 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 the following provisions, shall be void.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

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

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SECTION 1. Every male person who shall have attained the age of 21 years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is at the time of the acceptance of this constitution by the Congress of the United States a citizen of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector; and should such qualified electors happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer: *Provided*, That the qualified electors shall

be permitted to vote anywhere in the State for State officers: *And provided further*, That no soldier, seaman, or marine in the army or navy of the United States shall be entitled to vote at any election created by this constitution.

SEC. 2. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 3. The legislative power of the State shall be vested in two distinct branches: the one to be styled the senate, and the other the house of representatives; and both together the "legislature of the State of Texas." The style of the laws shall be: "Be it enacted by the legislature of the State of Texas."

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 general election; and the sessions of the legislature shall be annual, at such times as shall be prescribed by law.

SEC. 5. No person shall be a representative, unless he be a citizen of the United States, and shall have been a citizen of this State two years next preceding his election, and the last year thereof a citizen of the county, city, or town from which he shall be chosen, and shall have attained the age of 21 years at the time of his election.

SEC. 6. All elections for State, district, and county officers shall be held at the county seats of the several counties until otherwise provided by law; and the polls shall be opened for four days, from 8 o'clock a. m. until 4 o'clock p. m. of each day.

SEC. 7. The house of representatives shall consist of 90 members, and no more.

SEC. 8. The senators shall be chosen by the qualified electors hereafter for the term of six years. Those elected at the first election shall be divided by lot into three classes, as nearly equal as can be. The seats of senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; and the third class at the expiration of six years; so that one-third thereof shall be chosen biennially thereafter.

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

SEC. 10. The senate shall consist of 30 senators, and no more.

SEC. 11. A new apportionment for representative and senatorial districts shall be made by the first legislature in session, after the official publication of the United States census, every 10 years.

SEC. 12. When a senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

SEC. 13. No person shall be a senator, unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of 25 years.

SEC. 14. No person shall be eligible to any office, State, county, or municipal, who is not a registered voter in the State.

SEC. 15. The house of representatives, when assembled, shall elect a speaker and its other officers; and the senate shall choose a president, for the time being, and its other officers. Each house shall adjudge of the elections and qualifications of its own members; but contested elections shall be determined in such manner as shall be directed by law.

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

SEC. 16. 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.

SEC. 17. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered upon the journals.

SEC. 18. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or an individual, and have the reasons for dissent entered on the journals.

SEC. 19. When vacancies happen in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies; and should the governor fail to issue a writ of election to fill such vacancies, the returning officer for the district or county shall be authorized to order an election for that purpose.

SEC. 20. Senators and representatives shall in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, allowing one day for every 25 miles such member may reside from the place at which the legislature is convened.

SEC. 21. Each house, during the session, may punish, by imprisonment, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided such imprisonment shall not at any one time exceed 48 hours.

SEC. 22. The doors of each house shall be kept open, except upon a call of either house, and when there is an executive session of the senate.

SEC. 23. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which they may be sitting, without the concurrence of both houses.

SEC. 24. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each house, and free discussion be allowed thereon, unless, in case of great emergency, four-fifths of the house in which the bill shall be pending may deem it expedient to dispense with this rule; and every bill having passed both houses shall be signed by the speaker and president of their respective houses: *Provided*, That the final vote on all bills or joint resolutions, appropriating money or lands for any purpose, shall be by the yeas and nays.

SEC. 25. The legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat, but shall provide for the same by general laws.

SEC. 26. After a bill or resolution has been rejected by either branch of the legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

SEC. 27. The legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

SEC. 28. Each member of the legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 29. No senator or representative shall, while a member of the legislature, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased during such term, except it be in such cases as are herein provided. The president, for the time being, of the senate and speaker of the house of representatives shall be elected from their respective bodies.

SEC. 30. No judge of any court of law or equity, secretary of state, attorney general, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States or this State, or any foreign government, shall be eligible to the legislature, nor shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit under this State: *Provided*, That offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if so provided by the legislature.

SEC. 31. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collection, and for all public moneys with which he may have been entrusted.

SEC. 32. It shall be the duty of the legislature immediately to expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of preferment or reward; and every person so offending and so expelled shall thereafter be disabled from holding any office of honor, trust, or profit in this State.

SEC. 33. Elections of senators and representatives shall be general throughout the State, and shall be regulated by law.

SEC. 34. The whole number of senators shall, at the next session after the several periods of making the enumeration, be fixed by the legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen nor more than thirty.

SEC. 35. The members of the legislature shall, at their first session hereafter, receive from the treasury of the State as their compensation eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in travelling to and from the seat of government. The above rates of compensation shall remain till changed by law.

SEC. 36. The legislature shall proceed, as early as practicable, to elect senators to represent this State in the Senate of the United States, and also provide for future elections of representatives to the Congress of the United States; and on the second Tuesday after the first assembling of the legislature after the ratification of this constitution, the legislature shall proceed to ratify the 13th and 14th articles of amendment to the Constitution of the United States of America.

SEC. 37. In order to settle permanently the seat of government, an election shall be held throughout the State at the usual places of holding elections, at the first general election after the acceptance of this constitution by the Congress of the United States, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government; the returns of said election to be transmitted to the governor with other returns of that election.

If either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government. But in case neither place voted for shall have the majority of the whole number of votes given in, the governor shall issue his proclamation for an election to be holden in the same manner, at the next following general election, between the two places having the highest number of votes at the first election. This election shall be conducted in the same manner as at the first and the returns made to the governor, and the place having the highest number of votes shall be the permanent seat of government.

SEC. 38. The first legislature shall pass such laws as will authorize the clerks of the district court and the justices of the peace of the several counties to issue executions, after the adjournment of each term of their respective courts, against the plaintiff or defendant, for all costs created by them in any suit or suits therein.

SEC. 39. Until otherwise provided by law, the senatorial and representative districts shall be composed of the following counties:

*1st district.*—Counties of Chambers, Jefferson, Orange, Liberty, Hardon, Newton, Jasper, Tyler, and Polk.

*2d district.*—Counties of Trinity, Angelina, San Augustiné, Sabine, Nacogdoches, and Shelby.

*3d district.*—Counties of Houston and Cherokee.

*4th district.*—Counties of Anderson, Henderson, and Van Zandt.

*5th district.*—Counties of Rusk and Panola.

*6th district.*—Counties of Smith and Upshur.

*7th district.*—County of Harrison.

*8th district.*—Counties of Marion, Davis, and Bowie.

*9th district.*—Counties of Titus and Red River.

*10th district.*—Counties of Wood, Hopkins, and Hunt.

*11th district.*—Counties of Lamar and Fannin.

*12th district.*—Counties of Galveston, Brazoir, and Matagorda.

*13th district.*—Counties of Wharton, Fort Bend, and Austin.

*14th district.*—Counties of Harris and Montgomery.

*15th district.*—Counties of Walker, Grimes, and Madison.

*16th district.*—County of Washington.

*17th district.*—Counties of Burleson, Brazos, Milam.

*18th district.*—Counties of Robertson, Leon, and Freestone.

*19th district.*—Counties of McLennan, Limestone, and Falls.

*20th district.*—Counties of Hill, Navarro, Ellis, and Kaufman.

*21st district.*—Counties of Dallas, Collin, and Tarrant.

*22d district.*—Counties of Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Wichita, Throckmorton, Baylor, Wilbarger, Haskell, Knox, and Hardiman.

*23d district.*—Counties of Bosque, Johnson, Hood, Parker, Erath, Palo Pinto, Eastland, Stephens, Callahan, Jones, Shackelford, and Taylor.

*24th district.*—Counties of Calhoun, Jackson, Victoria, Refugio, San Patricio, Bee, Goliad, and DeWitt.

*25th district.*—Counties of Lavaca and Colorado.

*26th district.*—Counties of Fayette and Bastrop.

*27th district.*—Counties of Gonzales, Guadalupe, and Caldwell.

*28th district.*—Counties of Hays, Travis, Williamson, Bell, Coryell, Lampasas, San Saba, Hamilton, Comanche, Brown, Coleman, Concho, and McCulloch.

*29th district.*—Bexar, Wilson, Comal, Kendall, Blanco, Burnett, Llano, Mason, Gillspie, Kerr, Bandera, Edwards, Kimball, and Menard.

*30th district.*—Cameron, Hidalgo, Starr, Nueces, Duval, Zapata, Live

Oak, McMullen, Encinal, Lasalle, Webb, Dimmitt, Maverick, Zavalla, Frio, Atascosa, Karnes, Kinney, Uvalde, Presidio, and El Paso.

SEC. 40. The senators and representatives shall be apportioned among the several senatorial and representative districts as follows, to wit:

Districts.	Senators.	Representatives.	Districts.	Senators.	Representatives.
1st	1	3	16th	1	2
2d	1	3	17th	1	3
3d	1	3	18th	1	3
4th	1	3	19th	1	3
5th	1	3	20th	1	3
6th	1	3	21st	1	3
7th	1	2	22d	1	3
8th	1	3	23d	1	3
9th	1	3	24th	1	3
10th	1	3	25th	1	3
11th	1	3	26th	1	3
12th	1	3	27th	1	3
13th	1	3	28th	1	4
14th	1	3	29th	1	4
15th	1	3	30th	1	3

SEC. 41. In the several senatorial and representative districts, composed of more counties than one, the chief justice of the following named counties shall receive the returns and give certificates of election to the persons respectively receiving the highest number of votes, to wit:

*1st district.*—Chief justice of Liberty county.

*2d district.*—Chief justice of Nacogdoches county.

*3d district.*—Chief justice of Cherokee county.

*4th district.*—Chief justice of Anderson county.

*5th district.*—Chief justice of Rusk county.

*6th district.*—Chief justice of Smith county.

*7th district.*—Chief justice of Harrison county.

*8th district.*—Chief justice of Marion county.

*9th district.*—Chief justice of Red River county.

*10th district.*—Chief justice of Hopkins county.

*11th district.*—Chief justice of Lamar county.

*12th district.*—Chief justice of Galveston county.

*13th district.*—Chief justice of Fort Bend county.

*14th district.*—Chief justice of Harris county.

*15th district.*—Chief justice of Grimes county.

*16th district.*—Chief justice of Washington county.

*17th district.*—Chief justice of Burleson county.

*18th district.*—Chief justice of Robertson county.

*19th district.*—Chief justice of McLennan county.

*20th district.*—Chief justice of Navarro county.

*21st district.*—Chief justice of Dallas county.

*22d district.*—Chief justice of Grayson county.

*23d district.*—Chief justice of Bosque county.

*24th district.*—Chief justice of Victoria county.

*25th district.*—Chief justice of Colorado county.

*26th district.*—Chief justice of Fayette county.

*27th district.*—Chief justice of Gonzales county.

*28th district.*—Chief justice of Travis county.

*29th district.*—Chief justice of Bexar county.

*30th district.*—Chief justice of Nueces county.

## ARTICLE IV.

## EXECUTIVE DEPARTMENT.

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

SEC. 2. The governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for representatives to the legislature.

SEC. 3. The returns for every election of governor shall be made out, sealed up, and transmitted by the returning officers to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session of the legislature thereafter, open and publish them, in the presence of both houses of the legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the speaker, under the direction of the legislature, to be governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen governor, by a joint vote of both houses of the legislature. Whenever there shall be a contested election for the office of governor, or of any of the executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both houses of the legislature.

SEC. 4. The governor shall hold his office for the term of four years from the time of his instalment, and until his successor shall be duly qualified. He shall be at least 30 years of age, a citizen of the United States, and shall have been a resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the legislature, or as soon thereafter as practicable.

SEC. 5. The governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be \$5,000, until otherwise provided by law, exclusive of the use and occupation of the governor's mansion, fixtures and furniture.

SEC. 6. He shall be commander-in-chief of the militia of the State, except when they are called into the actual service of the United States.

SEC. 7. He may, at all times, require information in writing from all the officers of the executive department, on any subject relating to the duties of their offices. If a vacancy occurs in any of the executive offices, by death, resignation, or removal, or from any other cause, during the recess of the legislature, the governor shall have power, by appointment, to fill such vacancy; which appointment shall continue in force till the succeeding session of the legislature, when he shall communicate such appointment to the senate for confirmation or rejection. If it be confirmed by the senate, the tenure of office shall continue until the regular return of the periodic election of said office.

SEC. 8. He shall have power, by proclamation, on extraordinary occasions, to convene the legislature at the seat of government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place within the State he may deem expedient.

SEC. 9. He shall, from time to time, give to the legislature information,

in writing, of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

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

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the senate, he may grant pardons in cases of treason; and to this end he may respite a sentence therefor until the close of the succeeding session of the legislature; provided, that in all cases of remission of fines or forfeitures, or grants of reprieve or pardon, the governor shall file, in the office of the secretary of state, his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the legislature shall be made by the governor during the first 10 days of its session; and should any such nomination be rejected, the same person shall not again be nominated, during the session, to fill the same office.

SEC. 13. During the sessions of the legislature, the governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the legislature, the public good may otherwise require.

SEC. 14. No person holding the office of governor shall hold any other office or commission, civil or military.

SEC. 15. At the time of the election of a governor, there shall also be elected by the qualified voters of the State a lieutenant governor possessing the same qualifications as the governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be president of the senate; and shall have, when in committee of the whole, the right to debate and vote on all questions; and when the senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the governor to serve, or of his impeachment or absence from the State, the lieutenant governor shall exercise the powers and authority appertaining to the office of governor, until another be chosen at the periodical election, and be duly qualified; or until the governor, impeached, absent, or disabled, shall be acquitted, returned, or his disability be removed.

SEC. 16. Whenever the lieutenant governor shall become the acting governor, or shall be unable to preside over the senate, that body shall elect from its own members a president for the time being. If, during the vacancy in the office of the governor, the lieutenant governor shall die, resign, refuse to serve, be removed from office, or be unable to serve, or if he be impeached, or absent from the State, the president of the senate for the time being shall, in a like manner, administer the government until he shall be superseded by a governor or lieutenant governor. The compensation of the lieutenant governor shall be twice the per diem or pay of a senator, and no more; and, while acting governor, the same compensation as a governor would receive for a like period of service in his office, and no more. The president of the senate, for the time being, if called upon to administer the government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the governor due for the time of such service. If the lieutenant governor, while acting governor by succession, shall die, resign, or be absent from the State, during the recess of the legislature, it shall be the duty of the secretary of state to convene the senate for the purpose of choosing a president of the senate for the time being.

SEC. 17. There shall be a secretary of state appointed by the governor, by and with the advice and consent of the senate, who shall continue in

office during the term of service of the governor elect. He shall keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the legislature, or either house thereof, and shall perform such other duties as may be required of him by law.

SEC. 18. There shall be a seal of the State, which shall be kept by the governor and used by him officially. The seal shall be a star of five points, encircled by an olive and live oak branches, and the words, "The State of Texas."

SEC. 19. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the governor, and attested by the secretary of state.

SEC. 20. There shall be a comptroller of public accounts, elected by the qualified voters of the State, at the same time and in the same manner as the governor is elected, and having the same qualifications, who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the state; give instructions to the assessors and collectors of the taxes; settle with them for taxes; take charge of all escheated property; keep an accurate account of all moneys paid into the treasury, and of all lands escheated to the State; publish annually a list of delinquent assessors and collectors, and demand of them an annual list of all tax-payers in their respective counties, to be filed in his office; keep all the accounts of the State; audit all the claims against the State; draw warrants upon the treasury in favor of the public creditors; and perform such other duties as may be prescribed by law.

SEC. 21. There shall be a treasurer of the State elected at the same time of the election of governor, having the same qualifications as the governor and comptroller of public accounts, who shall hold his office for the same period of time. He shall receive and take charge of all public money paid into the treasury; countersign all warrants drawn by the comptroller of public accounts; pay off the public creditors upon the warrant of the comptroller of public accounts; and perform all such other duties as may be prescribed by law.

SEC. 22. A commissioner of the general land office shall be elected by the qualified voters of the State at the same time and in the same manner as the governor, comptroller of public accounts, and treasurer may be elected, who shall hold his office for a like period of time and shall possess the same qualifications. He shall be the custodian of the archives of the land titles of the State; the register of all land titles hereafter granted, and shall perform such other duties as may be required by law.

SEC. 23. There shall be an attorney general of the State having the same qualifications as the governor, lieutenant governor, comptroller of public accounts, and treasurer, who shall be appointed by the governor, with the advice and consent of the senate. He shall hold his office for the term of four years. He shall reside at the capital of the State during his term of office. He shall represent the interests of the State in all suits or pleas in the Supreme Court, in which the State may be a party; superintend, instruct, and direct the official action of the district attorneys so as to secure all fines and forfeitures, all escheated estates, and all public moneys to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government; and perform such other duties as may be required by law.

SEC. 24. The secretary of state, comptroller of public accounts, treasurer, commissioner of the general land office and attorney general, shall each receive for his services the annual salary of three thousand dollars; and which shall neither be increased nor diminished during his continuance in office.

SEC. 25. 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 that house in which it originated; which house shall enter the objections at large upon the journals of the house, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that house, it shall become a law; but, in such case, both houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each house. If a bill shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it. Every bill presented to the governor one day before the final adjournment of the two houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The governor may approve any appropriation and disapprove any other appropriation in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the house in which it originated; and the same proceedings shall be had, on that part disapproved, as on other bills disapproved by him; but if the legislature shall have adjourned before it is returned, he shall return it, with his objections, to the secretary of state, to be submitted to both houses at the succeeding session of the legislature.

SEC. 26. Every order, resolution, or vote, in which the concurrence of both houses shall be required, except the question of adjournment, shall be presented to the governor, and must be approved by him before it can take effect; or, being disapproved, shall be repassed in the manner prescribed in the case of a bill.

## ARTICLE V.

### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one supreme court, in district courts, and in such inferior courts and magistrates as may be created by this constitution, or by the legislature under its authority.

The legislature may establish criminal courts in the principal cities within the State, with such criminal jurisdiction, coextensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law; and the judge thereof may preside over the courts of one or more cities, as the legislature may direct.

SEC. 2. The supreme court shall consist of three judges, any two of whom shall constitute a quorum. They shall be appointed by the governor, by and with the advice and consent of the senate, for a term of nine years. But the judges first appointed under this constitution shall be so classified by lot that the term of one of them shall expire at the end of every three years. The judge whose term shall soonest expire shall be the presiding judge. All vacancies shall be filled for the unexpired term. If a vacancy shall occur, or a term shall expire, when the senate is not in session, the governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and if not confirmed, the office shall immediately become vacant.

SEC. 3. The supreme court shall have appellate jurisdiction only, which, in civil cases, shall be co-extensive with the limits of the State. In criminal cases no appeal shall be allowed to the supreme court unless some judge thereof shall, upon inspecting a transcript of the record, believing that some error of law has been committed by the judge before whom the cause was tried; provided, that said transcript of the record shall be presented within sixty days from the date of the trial, under such rules and regulations as shall be prescribed by the legislature. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the legislature may prescribe. The supreme court, and the judges thereof, shall have power to issue the writ of habeas corpus; and under such regulations as may be prescribed by law, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. The supreme court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The supreme court shall hold its sessions annually at the capital of the State.

SEC. 5. The supreme court shall appoint its own clerk, who shall hold his office for four years, unless sooner removed by the court for good cause, entered of record on the minutes of the court. The said clerk shall give bond in such manner as is now or may be hereafter required by law.

SEC. 6. The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the governor, by and with the advice and consent of the senate, for a term of eight years, who shall after his appointment reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law; provided that at the first general election after the 4th of July, 1876, the question shall be put to the people whether the mode of election of judges of the supreme and district courts shall not be returned to.

SEC. 7. The district court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, for forfeitures, and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to one hundred dollars, exclusive of interest; and the said courts, and the judges thereof shall have power to issue the writ of habeas corpus and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The district court shall also have appellate jurisdiction in cases originating in inferior courts, with such exceptions and under such regulations as the legislature may prescribe. And the district court shall also have original and exclusive jurisdiction for the probate of wills; for the appointing of guardians; for the granting of letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians; and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind; and for the settlement, partition, and distribution of such estates, under such rules and regulations as may be prescribed by law.

SEC. 8. In the trial of all criminal cases, the jury trying the same

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

SEC. 9. A clerk of the district court for each county shall be elected by the qualified electors in each county, who shall hold his office for four years, subject to removal by the judge of said court for cause spread upon the minutes of the court. The said clerk shall exercise such powers and perform such duties, appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind, in vacation, as may be prescribed by law; provided, that all contested issues of law or fact shall be determined by the district court. And the clerk of the district court shall be recorder for the county of all deeds, bonds, and other instruments required by law to be recorded; and also ex-officio clerk of the police or county court; and by virtue of his office shall have control of the records, papers, and books of the district and county or police court, and shall generally perform the duties heretofore required of county and district clerks.

SEC. 10. The judges of the supreme and district courts shall be removed by the governor on the address of two-thirds of the members elected to each house of the legislature, for incompetency, neglect of duty, or other reasonable causes, which are not sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass. And in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each house respectively.

SEC. 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 degrees as may be prescribed by law, or where he shall have been of counsel in the case. When the supreme court, or a quorum thereof, shall be thus disqualified to hear and determine any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases. When a judge of the district court is thus disqualified, the parties may, by consent, appoint a proper person to try the case, and upon their failing to do so, the case shall be transferred for trial to the county in the adjoining district, whose county seat is nearest to that of the county where the case is pending. District judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law; and when the district judge is disqualified to try any case or cases within his district, the governor of the State, on such facts being certified to him, may appoint some person, learned in the law, to try such case or cases, who shall receive such compensation as may be given by law. The disqualification of judges of inferior tribunals shall be remedied as prescribed by law.

SEC. 12. There shall be a district attorney elected by the qualified voters of each judicial district, who shall hold his office for four years; and the duties, salaries, and perquisites of district attorney shall be prescribed by law.

SEC. 13. The judges of the supreme court shall receive a salary of not less than \$4,500 annually, and the judges of the district court a salary not less than \$3,500 annually. And the salaries of the judges shall not be diminished during their continuance in office.

SEC. 14. When a vacancy shall occur in the office of judge of the district court, at a time when the senate is not in session, the governor shall fill the same by appointment, which shall be sent to the senate within ten days after that body shall assemble; and if not confirmed, the office shall immediately become vacant.

SEC. 15. The judges of the supreme and district courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 16. In all cases of law or equity, when the matter in controversy shall be valued at or exceed \$10, the right of trial by jury shall be preserved, unless the same shall be waived by the parties or their attorneys, except in cases where a defendant may fail to appear and answer, within the time prescribed by law, and the cause of action is liquidated and proved by an instrument in writing.

SEC. 17. Every criminal offence that may by law be punished by death, or in discretion of the jury by imprisonment to hard labor for life, and every offence that may by law be punished by imprisonment in the State penitentiary, shall be deemed a felony, and shall only be tried upon an indictment found by a grand jury. But all offences of a less grade than a felony may be prosecuted upon complaint, under oath, by any peace officer or citizen, before any justice of the peace or other inferior tribunal, that may be established by law; and the party so prosecuted shall have the right of trial by a jury, to be summoned in such manner as may be prescribed by law.

SEC. 18. One sheriff for each county shall be elected by the qualified voters thereof, who shall hold his office for four years, subject to removal by the judge of the district court for said county, for cause spread upon the minutes of the court. Process against the sheriff, and all such writs as by reason of interest in the suit, or connection with the parties, or for other cause, the sheriff is incompetent to execute, shall issue to and be executed by any constable in the county.

SEC. 19. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five justices of the peace, one of whom shall reside after his election at the county seat; and not more than one of said justices shall be a resident of the same justice's precinct. They shall hold their offices for four years, and should a vacancy occur in either of said offices, an election shall be held for the unexpired term.

SEC. 20. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided by law. And the justices of the peace in each county, or any three of them, shall constitute a court, having such jurisdiction, similar to that heretofore exercised by county commissioners and police courts, as may be prescribed by law. And when sitting as such court the justice who resides at the county seat shall be the presiding justice. The times and manner of holding said courts shall be prescribed by law. Justices of the peace shall also be commissioned to act as notaries public. Justices of the peace shall also discharge all the duties of coroner, except such as by section 21 of this article are devolved upon constables.

SEC. 21. Each county shall be divided into five justices' precincts.

And the justices of the peace in each county, sitting as a county court, shall appoint one constable for each justice's precinct, who shall hold his office for four years, subject to removal by said court for cause spread upon the minutes of the court. And said constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of sheriff in all such cases as heretofore devolved those duties upon the coroner.

SEC. 22. Sheriffs and justices of the peace shall be commissioned by the governor.

SEC. 23. Sheriffs, district clerks and justices of the peace, when acting as such, and when acting as a county court, shall receive such fees or other compensation as may be provided for by law.

SEC. 24. All county and district officers, whose removals are not otherwise provided for, may be removed, on conviction by a jury, after indictment, for malfeasance, nonfeasance, or misfeasance in office.

SEC. 25. In all cases arising out of a contract, before any inferior tribunal, when the amount in controversy shall exceed \$10, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 26. In the trial of all causes in the district court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed by law.

## ARTICLE VI.

### RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States, of the age of 21 years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote 60 days next preceding any election, shall be entitled to vote for all officers that are now or hereafter may be elected by the people, and upon all questions submitted to the electors at any election; provided, that no person shall be allowed to vote, or hold office, who is now, or hereafter may be disqualified therefor, by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; provided, further, that no person, while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

## ARTICLE VII.

### MILITIA.

SECTION 1. The governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection, and repel invasions.

## ARTICLE VIII.

### IMPEACHMENT.

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

SEC. 2. Impeachment of the governor, attorney general, secretary of state, treasurer, comptroller, and of the judges of the district courts, shall be tried by the senate.

SEC. 3. Impeachment of judges of the supreme court shall be tried by the senate. When sitting as a court of impeachment, the senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the senators present.

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

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

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

## ARTICLE IX.

### PUBLIC SCHOOLS.

SECTION 1. It shall be the duty of the legislature of this State to make suitable provisions for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State between the ages of six and eighteen years.

SEC. 2. There shall be a superintendent of public instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the governor, by and with the advice and consent of the senate. The superintendent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of the superintendent, it shall be filled by appointment of the governor, until the next general election.

SEC. 3. The superintendent shall have the supervision of the public free schools of the State, and shall perform such other duties concerning public instruction as the legislature may direct. The legislature may lay off the State into convenient school districts, and provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, school-houses, and school fund of the district as may be deemed necessary and proper. It shall be the duty of the superintendent of public instruction to recommend to the legislature such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the legislature, furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either house of the legislature, it shall be his duty to furnish all information called for, in relation to public schools.

SEC. 4. The legislature shall establish a uniform system of public free schools throughout the State.

SEC. 5. The legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on

the public free schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; provided, that when any of the scholastic inhabitants may be shown to have received regular instruction, for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SEC. 6. As a basis for the establishment and endowment of said public free schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public school fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the public school fund. And the legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. The legislature shall set apart, for the benefit of public schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected an annual poll tax of one dollar, on all male persons in this State between the ages of twenty-one and sixty years, for the benefit of public schools. And said fund, and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, exclusively for the education of all the scholastic inhabitants of this State; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SEC. 7. The legislature shall, if necessary, in addition to the income derived from the public school fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation, in the several school districts in the State, as will be necessary to provide the necessary school-houses in each district, and insure the education of all the scholastic inhabitants of the several districts.

SEC. 8. The public lands heretofore given to counties shall be under the control of the legislature, and may be sold under such regulations as the legislature may prescribe; and in such case the proceeds of the same shall be added to the public school fund.

SEC. 9. The legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the legislature to see to it that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. The legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the school fund, and the income derived from taxation for school purposes; and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States government, and in no other security.

## ARTICLE X.

### LAND OFFICE.

SECTION 1. There shall be one general land office in the State, which shall be at the seat of government, where all titles which have heretofore emanated or may hereafter emanate from government shall be

registered; and the legislature may establish, from time to time, such subordinate officers as they may deem requisite.

SEC. 2. That the residue of the public lands may be ascertained, it is declared that all surveys of land heretofore made, and not returned to the general land office, in accordance with the provisions of an act entitled "An act concerning surveys of land," approved 10th February, 1852, are hereby declared null and void.

SEC. 3. All certificates for land located after the 30th day of October, 1856, upon lands which were titled before such location of certificate, are hereby declared null and void; provided, that in cases where the location, for the want of correct maps, or proper connection of surveys, is found to be in conflict with older surveys, whether titled or not, such certificates may be lifted and relocated.

SEC. 4 All unsatisfied genuine land certificates, now in existence, shall be surveyed and returned to the general land office by the first day of January, 1875, or be forever barred.

SEC. 5. All public lands heretofore reserved for the benefit of railroads or railway companies, shall hereafter be subject to location and survey by any genuine land certificates.

SEC. 6. The legislature shall not hereafter grant lands to any person or persons, nor shall any certificates for land be sold at the land office, except to actual settlers upon the same, and in lots, not exceeding 160 acres.

SEC. 7. All lands granted to railway companies, which have not been alienated by said companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the school fund.

SEC. 8. To every head of a family, who has not a homestead, there shall be donated 160 acres of land, out of the public domain, upon the condition that he will select, locate, and occupy the same for three years, and pay the office fees on the same. To all single men, 21 years of age, there shall be donated 80 acres of land, out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

SEC. 9. The State of Texas hereby releases to the owner or owners of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the legislature may impose.

## ARTICLE XI.

### IMMIGRATION.

SECTION 1. There shall be a bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with immigration. The head of this bureau shall be styled the "Superintendent of Immigration." He shall be appointed by the governor, by and with the advice and consent of the senate. He shall hold his office for four years, and until otherwise fixed by law, shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties, connected with immigration, as may be given by law.

SEC. 2. The legislature shall have power to appropriate part of the ordinary revenue of the State, for the purpose of promoting and protecting immigration. Such appropriation shall be devoted to defraying the expenses of this bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment, in part, or in toto, of the passage of immigrants from Europe to this State, and their transportation within this State.

## ARTICLE XII.

## GENERAL PROVISIONS.

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

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

SEC. 3. Any citizen of this State, who shall, after the adoption of this constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 4. In all elections by the people, the vote shall be by ballot; and, in all elections by the senate and house of representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

SEC. 5. The legislature shall provide, by law, for the compensation of all officers, servants, agents, and public contractors, not provided for by this constitution; and shall not grant extra-compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the treasury of the State, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriations for private or individual purposes or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both houses of the legislature. A regular statement and account of the receipts and expenditures of all public money

shall be published annually in such manner as shall be provided by law; and in no case shall the legislature have the power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

SEC. 7. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or being elected or appointed to any office, under the exceptions contained in this constitution.

SEC. 8. The legislature shall have power to provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 9. 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. 10. The legislature shall provide for a change of venue in civil and criminal cases.

SEC. 11. 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. 12. All civil officers shall reside within the State; and all district or county officers, within their district or counties; and shall keep their offices at such places therein as may be required by law.

SEC. 13. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular or individual cases.

SEC. 14. The rights of married women to their separate property, real and personal, and the increase of the same, shall be protected by law; and married women, infants and insane persons, shall not be barred of their rights of property by adverse possession, or law of limitation, of less than seven years from and after the removal of each and all of their respective legal disabilities.

SEC. 15. The legislature shall have power, and it shall be their duty, to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family, not to exceed 200 acres of land, (not included in a city, town or village,) or any city, town or village lot, or lots, not to exceed \$5,000 in value, at the time of their destination as a homestead, and without reference to the value of any improvements thereon, shall not be subject to forced sale for debts, except they be for the purchase thereof, for the taxes assessed thereon, or for labor and materials expended thereon; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law.

SEC. 16. The legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 17. Every law enacted by the legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 18. No law shall be revised or amended by reference to its title; but, in such cases, the act revised, or section amended, shall be re-enacted, and published at length.

SEC. 19. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both houses of the legislature may think proper to exempt from taxation. The legislature shall have power to levy an income tax, and to

tax all persons pursuing any occupation, trade or profession; provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 20. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 21. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 22. Provisions shall be made by the first legislature for the condemnation and sale of all lands for taxes due thereon; and, every five years thereafter, of all lands, the taxes upon which have not been paid to that date.

SEC. 23. It shall be the duty of the legislature to provide by law, in all cases where State or county debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal; and all such laws shall be irrepealable until principal and interest are fully paid.

SEC. 24. The legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties: *Provided*, That no new county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the legislature; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled, by numbers, to the right of separate representation. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein; nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors; and in all cases where, from the want of qualified jurors, or other cause, the courts cannot properly be held in any county, it shall be the duty of the district judge to certify such fact to the governor; and the governor shall, by proclamation, attach such county, for judicial purposes, to that county, the county seat of which is nearest the county seat of the county so to be attached.

SEC. 25. Annual pensions may be provided for the surviving veterans of the revolution which separated Texas from Mexico; and for those permanently disabled in the service of the United States during the late rebellion, provided they entered the service from this State.

SEC. 26. Each county in the State shall provide, in such manner as may be prescribed by law, a manual-labor poor-house, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the legislature may direct, all persons committing petty offences in the county may be committed to such manual-labor poor-house for correction and employment.

SEC. 27. All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together, in such relation, shall be considered as having been legally married; and the children heretofore, or hereafter, born of such cohabitations, shall be deemed legitimate.

SEC. 28. Justices of the peace shall assess the property in their respect-

ive precincts, under such laws as shall be provided and enacted by the legislature; and the sheriffs of the several counties of this State shall collect the taxes so assessed.

SEC. 29. Provision shall be made, under adequate penalties, for the complete registration of all births, deaths, and marriages, in every organized county of this State.

SEC. 30. Every person, corporation, or company, that may commit a homicide through wilful act, or omission, shall be responsible in exemplary damages, to the surviving husband, widow, heirs of his or her body, or such of them as there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 31. No minister of the gospel or priest, of any denomination whatever, who accepts a seat in the legislature as representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.

SEC. 32. The inferior courts of the several counties in this State shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties, to assess and provide for the collection of a tax upon the taxable property, to aid in the construction of internal improvements; provided, that said tax shall never exceed two per cent. upon the value of such property.

SEC. 33. The ordinance of the convention passed on the first day of February, A. D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore null and void from the beginning; and all laws and parts of laws founded upon said ordinance were also null and void from the date of their passage. The legislatures which sat in the State of Texas, from the 18th day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas; provided, that this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said legislatures, which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts, not in aid of the rebellion against the United States during said period of time. The legislature which assembled in the city of Austin on the 6th day of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United States, or were not intended to reward those who participated in the late rebellion; or to discriminate between citizens on account of race or color; or to operate prejudicially to any class of citizens.

SEC. 34. All debts created by the so-called State of Texas, from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were and are null and void; and the legislature is prohibited from making any provision for the acknowledgment or payment of such debts. All unpaid balances, whether of salary, per diem, or monthly allowance, due to employés of the State, who were in the service thereof on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance, or support to the rebellion then inaugurated against the government of the United States, or turned their arms

against the said government, thereby forfeited the sums severally due to them. All the ten per cent. warrants issued for military services, and exchanged during the rebellion at the treasury for non-interest warrants, are hereby declared to have been fully paid and discharged; provided, that any loyal person or his or her heirs or legal representative may, by proper legal proceedings, to be commenced within two years after the acceptance of this constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair or impartial.

SEC. 35. Within five years after the acceptance of this constitution, the laws, civil and criminal, shall be revised, digested, arranged, and published in such manner as the legislature shall direct; and a like revision, digest, and publication shall be made every ten years thereafter.

SEC. 36. No lottery shall be authorized by this State, and the buying and selling of lottery tickets within this State is prohibited.

SEC. 37. No divorce shall be granted by the legislature.

SEC. 38. The duration of all offices not fixed by this constitution shall never exceed four years.

SEC. 39. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual, without the consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 40. All sales of landed property, made under decrees of courts in this State, shall be offered to bidders in lots of not less than ten nor more than forty acres, except in towns or cities—including sales for taxes.

SEC. 41. All civil officers of this State shall be removable by an address of two-thirds of the members elect to each house of the legislature, except those whose removal is otherwise provided for by this constitution.

SEC. 42. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury, in favor of any person, for salary or compensation, as agent, officer, or appointee, who holds, at the same time, any other office or position of honor, trust, or profit, under the State, or the United States, except as prescribed in this constitution.

SEC. 43. The statutes of limitation of civil suits were suspended by the so-called act of secession of the 28th of January, 1861, and shall be considered as suspended within this State until the acceptance of this constitution by the United States Congress.

SEC. 44. All usury laws are abolished in this State, and the legislature is forbidden from making laws limiting the parties to contracts, in the amount of interest they may agree upon for loans of money or other property; provided, this section is not intended to change the provisions of law, fixing rate of interest in contracts, where the rate of interest is not specified.

SEC. 45. All the qualified voters of each county shall also be qualified jurors of such county.

SEC. 46. It shall be the duty of the legislature, after the adoption of this constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges, and the improvement of public roads in the different counties in the State, under such rules and regulations as the legislature shall provide; and no law shall be passed requiring the personal services of any portion of the people on public roads.

SEC. 47. Mechanics, and artisans of every class, shall have a lien upon the articles manufactured or repaired by them, for the value of their labor done thereon, or materials furnished therefor; and the legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 48. The legislature may prohibit the sale of all intoxicating or spirituous liquors in the immediate vicinity of any college or seminary of learning; provided, said college or seminary be located other than at a county seat or at the State capital.

SEC. 49. The legislature shall give effect to the foregoing general provisions, and all other provisions of this constitution, which require legislative action, according to their spirit and intent, by appropriate acts, bills, or joint resolutions.

SEC. 50. The legislature, whenever two-thirds of each house shall deem it necessary, may propose amendments to this constitution; which proposed amendments shall be duly published in the public prints of this State, at least three months before the next general election of representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next general election which shall be thus holden, to open a poll for, and make a return to the secretary of state of, the names of all those voting for representatives, who have voted on such proposed amendments, and if thereupon it shall appear that a majority of those voting upon the proposed amendments have voted in favor of such proposed amendments, and two-thirds of each house of the next legislature shall, after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this constitution; provided, that the said proposed amendments shall, at each of the said sessions, have been read on three several days in each house.

## DECLARATION.

SECTION 1. *Be it declared by the people of Texas, in convention assembled,* That the territory comprised within the limits of the following named counties shall compose the congressional districts of the State of Texas, until otherwise provided by law:

SEC. 2. The 1st congressional district shall be composed of the counties of Anderson, Angelina, Cherokee, Harrison, Henderson, Houston, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, Shelby, Smith, Trinity, Tyler, Hardin, Chambers, Van Zandt, and Wood.

SEC. 3. The 2d congressional district shall consist of the counties of Marion, Upshur, Davis, Bowie, Titus, Red River, Lamar, Hopkins, Kaufman, Fannin, Grayson, Hunt, Collin, Dallas, Tarrant, Cooke, Denton, Montague, Wise, Parker, Palo Pinto, Jack, Clay, Wichita, Archer, Young, Throckmorton, Wilbarger, Hardeman, Knox, Haskell, Jones, Shackelford, Stephens, Ellis, Johnson, Callahan, Eastland, Erath, Hood, and Taylor.

SEC. 4. The 3d congressional district shall consist of the counties of Galveston, Brazoria, Fort Bend, Harris, Austin, Montgomery, Walker, Grimes, Brazos, Washington, Burleson, Milam, Robertson, Madison, Leon, Freestone, Limestone, Falls, McLennan, Matagorda, Wharton, Bosque, Hill, and Navarro.

SEC. 5. The 4th congressional district shall consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar,

Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San Patricio, Nueces, Bee, Live Oak, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullin, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, El Paso, and Coryell.

### ELECTION DECLARATION

CONCERNING THE ELECTION FOR RATIFICATION OR REJECTION OF THE CONSTITUTION, AND FOR STATE, DISTRICT, AND COUNTY OFFICERS, AND MEMBERS OF CONGRESS.

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

2. An election shall be held, at the same time and place as for the ratification or rejection of the constitution, for senators and representatives in the legislature, and for all State, district, and county officers who are to be elected by the people under this constitution.

3. The said election for State, district, and county officers shall be conducted under the same regulations as the election for the ratification or rejection of the constitution, and by the same persons. The returns of elections shall be made to the commanding general, who shall give certificates of election to the persons chosen for the respective offices. The officers as elected shall commence the discharge of the duties of the office for which they have been chosen as soon as elected and qualified, in compliance with the provisions of the constitution herewith submitted, and shall hold their respective offices for the term of years prescribed by the constitution, beginning from the day of their election, and until their successors are elected and qualified.

4. An election for members of the United States Congress shall be held in each congressional district as established by this convention, at the same time and place as the election for ratification or rejection of the constitution. Said election shall be conducted by the same persons and under the same regulations as before mentioned in this declaration. The returns shall be made to the commanding general, who shall give the persons chosen certificates of election.

5. The members of the legislature, elected under this declaration, shall assemble at the capitol, in the city of Austin, on the second Monday in September, A. D. 1865.

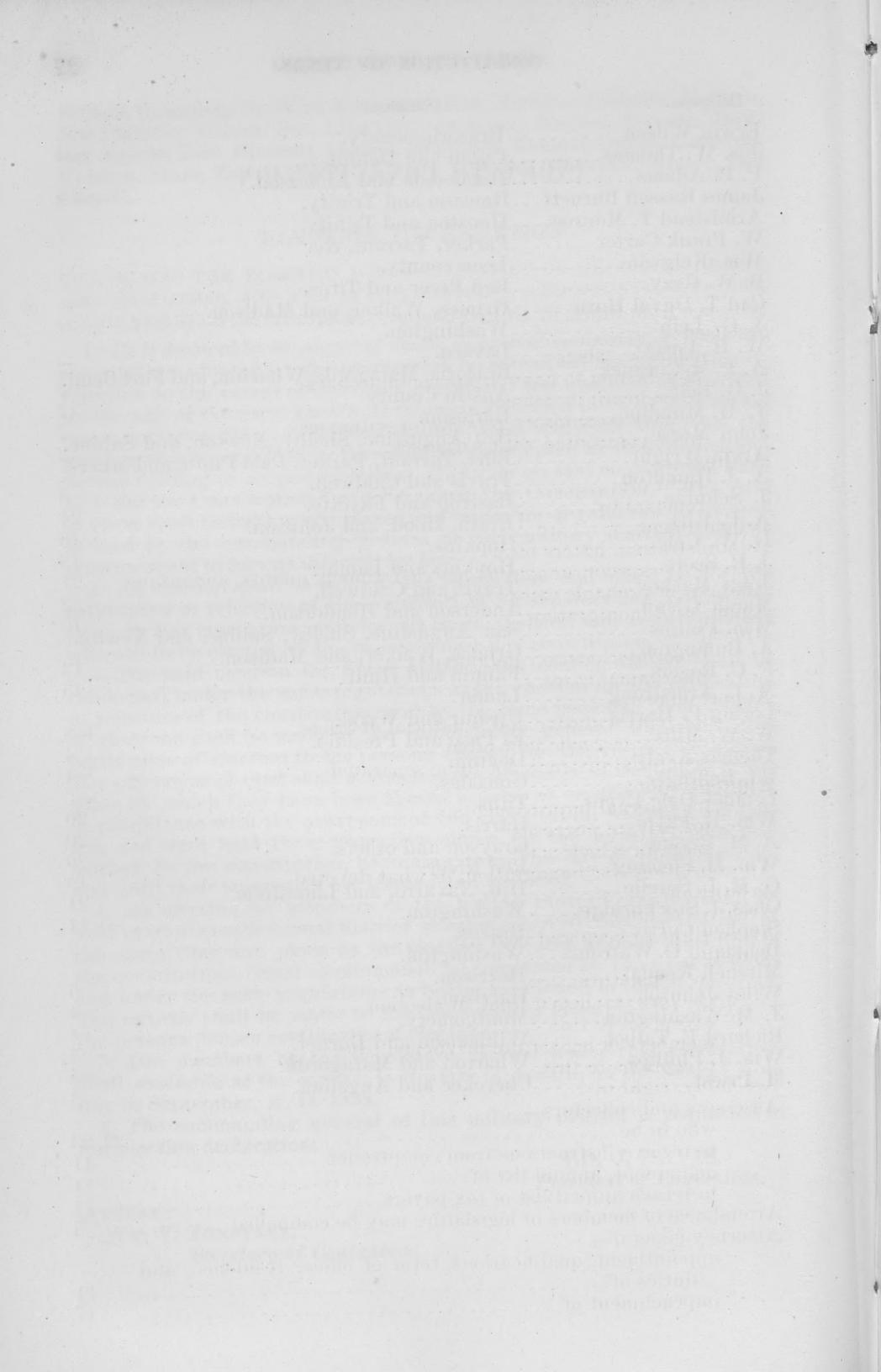
6. The commanding general of this military district is requested to enforce this declaration.

ED. J. DAVIS,  
*President of Convention.*

ATTEST:

W.M. V. TUNSTALL,  
*Secretary of Convention.*

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



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