

Cont. Texas 1860

Library


University of Pittsburgh



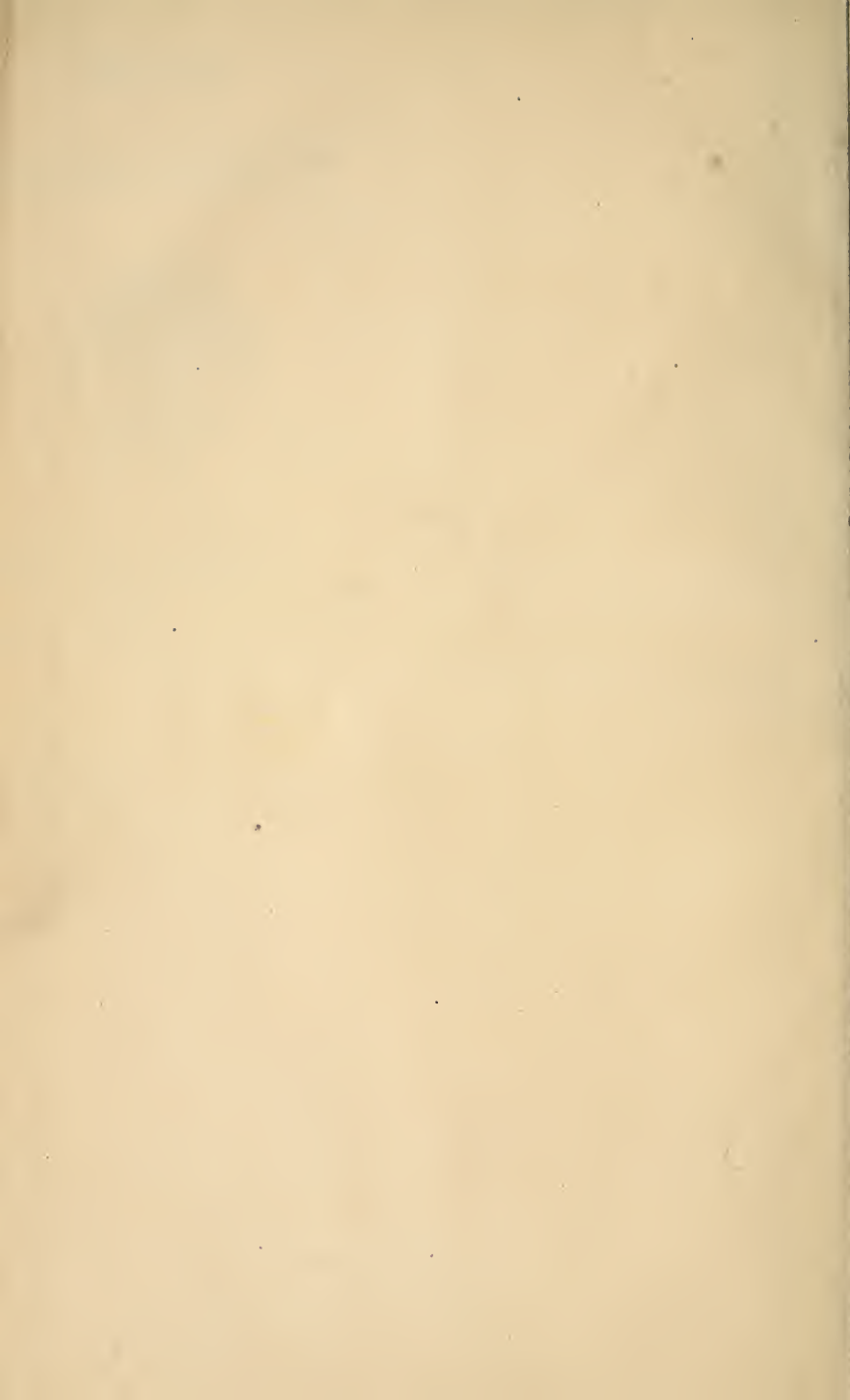
case

Dar. Rm

Class JK4825
1869
Book A5



Digitized by the Internet Archive
in 2010 with funding from
University of Pittsburgh Library System



CONSTITUTION

OF THE

STATE OF TEXAS,

ADOPTED BY THE

CONSTITUTIONAL CONVENTION

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

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

AUSTIN, TEXAS:

PRINTED AT THE DAILY REPUBLICAN OFFICE.

1869.

ERRATA.

- Page 4, Section 7, first line: read "*secure*" instead of "*secured*."
- Page 5, Section 10, second line: insert "*the*" before word "*Legislature*."
- Page 5, Section 11, second line: for "*punishments*" read "*punishment*."
- Page 6, Section 18, third line: for "*entailment*" read "*entailments*."
- Page 6, Section 21, fourth line: for "*burdens*" read "*burden*."
- Page 6, Section 22, fifth line: for "*the State*" read "*this State*."
- Page 6, Section 22, eighth line: for "*the State*" read "*this State*."
- Page 7, Article 3, Section 1, third line: for "*intentions*" read "*intention*."
- Page 7, Article 3, Section 1, sixth line: for "*the State*" read "*this State*."
- Page 7, Article 3, Section 1, tenth line: for "*electors*" read "*elector*."
- Page 7, Article 3, Section 1, thirteenth line: for "*elector*" read "*electors*."
- Page 7, Article 3, Section 2, second line: for "*election*" read "*elections*."
- Page 8, Section 9, last word in first line: read "*Senators*" instead of "*sections*."
- Page 8, Section 10, first line: read "*thirty Senators*" instead of "*thirty-three Senators*."
- Page 9, Section 14, second line: for "*this State*" read "*the State*."
- Page 9, Section 18, fourth line: for "*reason*" read "*reasons*."
- Page 9, Section 19, fourth line: for "*vacancy*" read "*vacancies*."
- Page 11, Section 31, sixth line: for "*money*" read "*moneys*."
- Page 17, Section 7, tenth line: for "*term of office*" read "*tenure of office*."
- Page 19, Section 17, fourth line: omit "*the*" before the words "*official acts*."
- Page 20, fourth line from top: for "*account current*" read "*accurate account*."
- Page 21, Section 35, third line: for "*approves*" read "*approve*."
- Page 21, Section 25, eleventh line: insert "*a*" between words "*become*" and "*law*."
- Page 21, Section 25, twenty-fifth line: omit "*the*" before "*other bills*."
- Page 25, Section 14, first line: for "*where a vacancy*" read "*when a vacancy*."
- Page 32, Section 6, second line: for "*certificate*" read "*certificates*."
- Page 33, Section 9, second line: omit "*the*" before "*owners of the soil*."
- Page 40, Section 34, second line: omit "*A. D.*" after the word "*January*."
- Page 41, Section 46, fifth line: omit "*the*" before "*public roads*."
- Page 44, Section 46, second line from top of page: omit "*the*" before "*public roads*."
- Page 45, last line: for "*D. P. Cole*" read "*D. W. Cole*."

CONSTITUTION

OF THE

STATE OF TEXAS.

PREAMBLE.

WE, THE PEOPLE OF TEXAS, acknowledging with gratitude Pr an 11. 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 Præfice. the country to grief, may be eliminated from future political discussion; that public order may be restored, private property and human life protected; and the great principles of liberty and equality secured to us and our posterity, We declare that :

SECTION I. The Constitution of the United States, and the Constitution, laws & treaties of the United States supreme. 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.

Equal rights asserted-exclusive privileges denied.

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

No religious test required.

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

Worship.

SECTION IV. All men have a natural and infeasible 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.

Rights of conscience.

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

Equal laws to religious societies.

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.

Liberty of opinion & the press guaranteed.

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

Truth of publication may be given in evidence.

SECTION VI. In prosecutions for the publication of papers, investigating the official conduct of officers, or of men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in

Jury to determine law and facts.

all prosecutions for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

Security from seizures and searches.

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

Speedy and public trial.

SECTION VIII. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself, or by counsel, or both; shall be confronted with the witnesses against him, and shall

Accused to be heard.

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 offenses against the laws regulating the militia.

Compulsory process for witnesses awarded.
How held.
Exceptions.

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

Bailable offenses.

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

Writ of habeas corpus.

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

Excessive bail and fines.
Cruel and unusual punishments.
Remedy by law.

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

Jeopardy of life.

Trial by jury.

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

Arms.

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

Bills of attainder, ex post facto and retroactive laws.
Private property taken.
Laws impairing contracts.

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

Imprisonment for debt.

SECTION XVI. No citizen of this State shall be deprived of

Outlawry and disfranchisement. life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

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

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

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

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

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

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

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

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

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

Powers of government divided into departments—Legislative, Executive and Judicial.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

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

Qualified electors.

Where may vote.

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

Privilege from arrest.

SECTION III. The legislative power of the State shall be vested in two distinct branches: the one to be styled the Senate, and the other the House of Representatives; and both together the "Legislature of the State of Texas." The style of the laws shall be, "Be it enacted by the Legislature of the State of Texas."

Legislative power vested in Senate and House of Representatives.

Style of same.

Style of laws.

Members of House of Representatives—how chosen.
Terms of office.
Sessions of Legislature annual.

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

Qualifications of Representatives.

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

Elections at County Seats.

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

Rolls opened for four days.

House of Rep. Number of members.

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

Senators—how chosen.
Terms of office.

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

How classed.

Biennial elections.

Mode of classifying

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

Senate. Number of members.

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

District apportionment for Representatives and Senators by Legislatures.

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

SECTION XII. When a Senatorial district shall be composed

of two or more counties, it shall not be separated by any county belonging to another district.

Senatorial Districts not to be separated by Counties.

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

Senators—qualifications of.

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

Officers to be registered voters.

SECTION XV. The House of Representatives, when assembled, shall elect a Speaker and its other officers; and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the elections and qualifications of its own members; but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Election of Speaker and other officers of Legislature. Each House to judge of the election and qualifications of its own members. Quorum.

Compulsory attendance of members.

SECTION XVI. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two-thirds, expel a member.

Rules of proceedings. Punishment of members.

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

Journals of proceedings. Yeas and nays entered thereon.

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

Liberty to dissent and protest. Reasons to be entered on journals.

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

Writs to fill vacancies.

Privilege of Senators and Representatives from arrest.

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

Power of either House to punish offenders.

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

Sessions open to the public. Exception.

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

Adjournment without consent.

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

Bills originated, amended, altered, rejected. Number of readings and how dispensed with.

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

Bills to be signed, and by whom.

Money bills and resolutions by yeas and nays.

No special laws as to conveyance of real estate, nor to vacate certain roads and streets.

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

Of rejected bills and resolutions.

SECTION XXVI. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution, con-

taining the same substance, shall be passed into a law during the same session.

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

Lotteries not to be authorized. Sale of lottery tickets to be prohibited.

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

Compensation of members of Legislature.

SECTION XXIX. No Senator or Representative shall, while a member of the Legislature, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term; except it be in such cases as are herein provided. The President, for the time being, of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

Eligibility of Senators and Representatives to certain offices.

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

Persons holding offices of profit or trust ineligible to Legislature.

Two offices not to be held.

As to offices not of profit.

County offices.

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

Collectors and others ineligible to Legislature until discharge procured.

SECTION XXXII. It shall be the duty of the Legislature immediately to expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of

Expulsion for bribery.

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.

Elections to the Legislature to be general and regulated by law.

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

Number of Senators⁴

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

Compensation of members.

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

Election of U. S. Senators.

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

Ratification of 13th & 14th Articles U. S. Constitutional Amendment.

Seat of government-how fixed.

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

If either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government. But in case neither place voted for shall have the majority of the whole number of votes given in, the Governor

shall issue his proclamation for an election, to be 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.

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

SECTION XXXIX. Until otherwise provided by law, the Senatorial and Representative Districts shall be composed of the following counties: Senatorial and Representative Districts.

DISTRICTS.

COUNTIES.

- | | |
|-------|---|
| 1st. | Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler and Polk. |
| 2nd. | Trinity, Angelina, San Augustine, Sabine, Nacogdoches and Shelby. |
| 3rd. | Houston and Cherokee. |
| 4th. | Anderson, Henderson and Van Zandt. |
| 5th. | Rusk and Panola. |
| 6th. | Smith and Upshur. |
| 7th. | Harrison. |
| 8th. | Marion, Davis and Bowie. |
| 9th. | Titus and Red River. |
| 10th. | Wood, Hopkins and Hunt. |
| 11th. | Lamar and Fannin. |
| 12th. | Galveston, Brazoria and Matagorda. |
| 13th. | Wharton, Fort Bend and Austin. |
| 14th. | Harris and Montgomery. |
| 15th. | Walker, Grimes and Madison. |
| 16th. | Washington. |
| 17th. | Burleson, Brazos and Milam. |
| 18th. | Robertson, Leon and Freestone. |
| 19th. | McLennan, Limestone and Falls. |
| 20th. | Hill, Navarro, Ellis and Kaufman. |
| 21st. | Dallas, Collin and Tarrant. |

DISTRICTS.

COUNTIES.

Senatorial and
Representative
Districts.

- 22d. Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Wichita, Throckmorton, Baylor, Wilbarger, Haskell, Knox and Hardiman.
- 23d. Bosque, Johnson, Hood, Parker, Erath, Palo Pinto, Eastland, Stephens, Callahan, Jones, Shackelford and Taylor.
- 24th. Calhoun, Jackson, Victoria, Refugio, San Patricio, Bee, Goliad and DeWitt.
- 25th. Lavaca and Colorado.
- 26th. Fayette and Bastrop.
- 27th. Gonzales, Guadalupe and Caldwell.
- 28th. Hays, Travis, Williamson, Bell, Coryell, Lampasas, San Saba, Hamilton, Comanche, Brown, Coleman, Concho and McCulloch.
- 29th. Bexar, Wilson, Comal, Kendall, Blanco, Burnett, Llano, Mason, Gillespie, Kerr, Bandera, Edwards, Kimball and Menard.
- 30th. Cameron, Hidalgo, Starr, Nueces, Duval, Zapata, Live Oak, McMullen, Encinal, Lasalle, Webb, Dimmitt, Maverick, Zavalla, Frio, Atascosa, Karnes, Kinney, Uvalde, Medina, Presidio and El Paso.

Senators and Re-
presentatives—
how appor-
tioned.

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

DISTRICTS.	SENATORS.	REPRESENTATIVES.
1st.	One.	Three.
2d.	"	"
3d.	"	"
4th.	"	"
5th.	"	"
6th.	"	"
7th.	"	Two.
8th.	"	Three.
9th.	"	"
10th.	"	"
11th.	"	"
12th.	"	"
13th.	"	"
14th.	"	"
15th.	"	"
16th.	"	Two.

DISTRICTS.	SENATORS.	REPRESENTATIVES.
17th.	One.	Three.
18th.	"	"
19th.	"	"
20th.	"	"
21st.	"	"
22d.	"	"
23d.	"	"
24th.	"	Three.
25th.	"	"
26th.	"	"
27th.	"	"
28th.	"	Four.
29th.	"	"
30th.	"	Three.

SECTION XLI. In the several Senatorial and Representative Districts, composed of more counties than one, the Chief Justice of the following named counties shall receive the returns, and give certificates of election to the persons respectively receiving the highest number of votes, to wit:

DISTRICT.	Chief Justice of
1st DISTRICT.	Liberty County.
2d	Nacogdoches County.
3d	Cherokee County.
4th	Anderson County.
5th	Rusk County.
6th	Smith County.
7th	Harrison County.
8th	Marion County.
9th	Red River County.
10th	Hopkins County.
11th	Lamar County.
12th	Galveston County.
13th	Fort Bend County.
14th	Harris County.
15th	Grimes County.
16th	Washington County.
17th	Burleson County.
18th	Robertson County.
19th	McLennan County.
20th	Navarro County.
21st	Dallas County.
22d	Grayson County.

By whom election returns received.

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

ARTICLE IV.

EXECUTIVE DEPARTMENT.

Executive department—what to consist of.

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

Governor—how and when elected.

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

Returns of election of Governor—how directed.

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

When and by whom opened and published.

Who declared elected.

Of election by Legislature.

Of contested elections.

Governor's term of office.

Legal age of Governor, and other qualifications.

SECTION IV. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a

resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

When inaugurated.

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

His compensation.

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

To be Commander in Chief. Exception.

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

May require information from officers of Executive Department.

Vacancy in Executive Department.

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

His power to convene Legislature on extraordinary occasions, and where.

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

To give information to Legislature.

SECTION X. He shall take care that the laws be faithfully executed.

To see the laws faithfully executed.

May grant re-
prieves and pardons,
and remit
fines and forfeitures
under certain
circumstances.

May respite sentence.

To file reasons.

Nominations to
fill vacancies—
when to be
made.

If rejected, what.

Place of Governor's
residence.

Governor to hold
no other office.

Lieutenant Governor,
how and
when elected.

Qualifications of
Term of office.

Duties of.
Right to vote,
&c.

Exercise powers
of Governor,
when.

President of
Senate for time
being.

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

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

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

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

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

SECTION XVI. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a Presi-

dent for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve; or if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the per diem or pay of a Senator, and no more; and, while acting Governor, the same compensation as a Governor would receive for a like period of service, in his office, and no more. The President of the Senate, for the time being, if called upon to administer the government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.

Duties of.

Compensation of Lieutenant Governor.

Salary of President for time being.

Secretary of State to convene Legislature, when.

SECTION XVII. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

Secretary of State.

How appointed.

Term of office. Duties of

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

Seal of the State. How kept. How used. What to be.

SECTION XIX. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

Commissions. How signed. How sealed. How attested.

SECTION XX. There shall be a Comptroller of Public Accounts, elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the

Comptroller.

How elected.

Qualifications of.

Duties of. term of four years. He shall superintend the fiscal affairs of the State; give instructions to the Assessors and Collectors of the Taxes; settle with them for taxes; take charge of all escheated property; keep an account current of all moneys paid into the treasury, and of all lands escheated to the State; publish annually a list of delinquent Assessors and Collectors, and demand of them an annual list of all tax payers in their respective counties, to be filed in his office; keep all the accounts of the State; audit all the claims against the State; draw warrants upon the Treasury in favor of the public creditors; and perform such other duties as may be prescribed by law.

Treasurer. SECTION XXI. There shall be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts, who shall hold his office for the same period of time. **Election.** 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. **Qualifications.** **Term of office.** **Duties.**

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

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

to all officers of the government; and perform such other duties as may be required by law.

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

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

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

Salaries of officers of the Executive Department.

Bills to be presented to the Governor for his approval. In case of approval, to be signed. In case of disapproval, to be returned with objections to be entered. Bill to be reconsidered. If approved by two-thirds of both Houses becomes a law. But to be determined by yeas and nays, with names entered upon the journals. Bill not returned within five days, (Sundays excepted) to become law. Bills presented to Governor one day before adjournment and not returned—to have same force and effect as if signed. Governor may approve any appropriation, and disapprove any other in same bill. How to proceed in such cases.

Concurrent orders, resolutions and votes, except the question of adjournment, to be presented to the Governor.

disapproved, shall be repassed in the manner prescribed in the case of a bill.

ARTICLE V.

JUDICIAL DEPARTMENT.

Judicial power—
where vested.

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

Criminal Courts
and Judges.

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

Judges of Su-
preme Court.
Three in num-
ber. How ap-
pointed. Term
of office.

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

Presiding Judge.

Vacancies.

Appellate jur-
isdiction of Su-
preme Court.

Of appeals in
criminal cases.

When and how
made and al-
lowed.

Of appeals in in-
terlocutory judg-
ments.

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

thereof, shall have power to issue the writ of habeas corpus; and under such regulations as may be prescribed by law, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. The Supreme Court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

Writ of habeas corpus—how issued.

Mandamus and other writs.

Matters of fact

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

Annual session at Capital.

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

Of clerks of Supreme Court. Term of office. Removed for cause. To give bond.

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

Judicial Districts. Judges of—how appointed

Term of office Residence of.

Sessions of court

Question of election of Judges to be put to people after July 4, 1876.

SECTION VII. The District Court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to recover damages for slander or defamation of character; of all suits for the trial of title to land; of all suits for the enforcement of liens; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said Courts, and the Judges thereof, shall have power to issue the writ of habeas corpus, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior Courts, with such exceptions, and under such regulations, as the Legislature may prescribe. And the District Court shall

Jurisdiction of District Court. Original in what cases.

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.

In criminal cases the jury to find the punishment and assess the fine.
Exception.

Jury may substitute imprisonment for life, for capital punishment.

Clerks of District Courts—how elected.
Term of office.
Removed—how.
Powers and duties.

To be County Recorder and Clerk of the Police Court.

To have custody of records.

Judges to be removed on address—and for what.

Proceedings in.

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

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

SECTION X. The Judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of the members elected to each House of the Legislature, for incompetency, neglect of duty, or other reasonable causes, which are not sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the Judge so intended to be

removed; and he shall be admitted to a hearing, in his own defense, before any vote for such address shall pass. And, in all such cases, the vote shall be taken by yeas and nays, and entered in the journals of each House respectively.

SECTION XI. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the case. When the Supreme Court, or a quorum thereof, shall be thus disqualified to hear and determine any case or cases in said Court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of said case or cases. When a Judge of the District Court is thus disqualified, the parties may, by consent, appoint a proper 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.

Judges not to sit in certain cases.

When judges disqualified, or equally divided in opinion, the Governor is to commission other persons to try such cases. Parties may agree upon a person in certain cases. Case to be transferred in certain cases. District Judges may exchange, &c. If District Judge disqualified to try, what.

Of disqualifications of Judges of inferior tribunals.

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

Of District Attorneys. Their terms of office. Duties, salary, &c.

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

Salary of Judges of Supreme Court.

SECTION XIV. Where a vacancy shall occur in the office of Judge of the District Court, at a time when the Senate is not in

of vacancies in Judges of District Court when

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.

Judges conservators of the peace. Style of writs and process. How to conclude

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

Trial by jury in cases \$10 and over. Exceptio thereto.

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

Of felony, and how tried. Offenses below the grade of felony—how tried.

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

Sheriff—how elected. Term of office. May be removed, and how. Processes to be served by Constables. When.

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

Of Justices of the Peace. How many.

SECTION XIX. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five Justices

of the Peace, one of whom shall reside, after his election, at the County seat; and not more than one of said Justices shall be a resident of the same Justice's precinct. They shall hold their offices for four years, and should a vacancy occur in either of said offices, an election shall be held for the unexpired term.

How elected.
Residence of.

Term of office.

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

Jurisdiction of.

To form court.

Who to preside.

Terms to be prescribed by law.
To be commissioned to act as Notaries Public.
To discharge the duties of Coroners.
Exception.

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

Justices' precincts.

Of Constables.
How appointed.
Term of office.
Removal of.

To discharge certain duties of Sheriffs.

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

Sheriffs and Justices of the Peace—how commissioned.

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

Fees of Sheriffs, District Clerks and Justices of the Peace.

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

As to removals of County and District officers.

SECTION XXV. In all cases arising out of a contract, before any inferior tribunal, when the amount in controversy

Of trial by jury in civil case above \$10.

shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

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

ARTICLE VI.

RIGHT OF SUFFRAGE.

Right of Suffrage.
Who entitled to vote.
Age.
Residence of voter.

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

Disqualifications

ARTICLE VII.

MILITIA.

Governor may call out militia, when.

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

ARTICLE VIII.

IMPEACHMENT.

Impeachment — where its power is vested.

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

SECTION II. Impeachment of the Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

Senate to try, whom.

SECTION III. Impeachment of Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

To be upon oath.

Two-thirds necessary to convict.

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

Judgment in, what.

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

When articles preferred. Officers to be suspended.

Temporary appointments to be made.

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

Legislature to provide for removal of other officers.

ARTICLE IX.

PUBLIC SCHOOLS.

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

Provisions to be made for free public instruction of inhabitants between the ages of six and eighteen.

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

Superintendent of Public Instruction first appointed by Governor, then elected by people.

Term of office.

Salary.

Vacancy — how filled. of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

Duties of.

SECTION III. The Superintendent shall have the supervision of the Public Free Schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient school Districts, and provide for the formation of a Board of School Directors in each District. It may give the District Boards such legislative powers, in regard to the schools, 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.

School Districts

Boards of Directors.
Powers of.

Superintendent to recommend to Legislature.

To furnish report and information.

Uniform system of Free Schools to be established.

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

Compulsory attendance at school.

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

Exception.

Basis for endowment.
Fund established.

How obtained.

From sales of public land.

SECTION VI. As a basis for the establishment and endowment of said Public Free Schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of Public Schools, shall constitute the Public School Fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of

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

From general taxation.

From a poll tax

Fund never to be diverted to any other purposes.

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

School District taxation for school houses.

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

Lands heretofore given to counties, to be controlled by legislature, and to be sold and proceeds added to School Fund.

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

Laws to be made to carry this into effect.

Ample means of education to be provided by law.

Interest from school fund and income from taxation to be appropriated to school purposes, and how.

School fund to be invested in U. S. bonds.

ARTICLE X.

LAND OFFICE.

One General Land Office. To contain registry of land titles emanating from Government. Subordinate officers.

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

Certain surveys not returned declared void.

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

Certain certificates declared void.

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

Certificates now existing to be surveyed and returned by the 1st January, 1875.

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

Lands heretofore reserved for benefit of railroad companies hereafter subject to location and survey.

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

Lands not to be granted, nor certificates to be sold at the Land Office except to actual-settlers, and not to exceed 160 acres.

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

Ungranted railroad lands declared forfeited.

SECTION VII. All lands granted to Railway Companies, which have not been alienated by said Companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the School Fund.

SECTION VIII. To every head of a family, who has not a homestead, there shall be donated one hundred and sixty acres of land, out of the public domain, upon the condition that he will select, locate, and occupy the same for three years, and pay the office fees on the same. To all single men, twenty-one years of age, there shall be donated eighty acres of land, out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

Homesteads donated upon certain conditions.

160 acres, when.

80 acres, when

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

Mines and mineral substances released, subject to uniform taxation.

ARTICLE XI.

IMMIGRATION.

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

Immigration.

Board of.

Superintendent

How appointed.

Term of office.

Salary of

Powers and duties.

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

Appropriations for Immigration.

How devoted.

Expenses of Bureau.

Support of agencies.

Transportation.

ARTICLE XII.

GENERAL PROVISIONS.

SECTION I. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the

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

SECTION II. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. 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.

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

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

SECTION V. The Legislature shall provide, by law, for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution; and shall not grant extra compensation to any officer, agent, servant, or public

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

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

Penalties.

Of vote by ballot.

Of votes *viva voce*.

Legislature to provide for certain compensations. Extra not to be granted, when.

contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SECTION VI. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education: and no appropriations for private or individual purposes or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be provided by law; and in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

Money drawn from treasury only in pursuance of specific appropriation. Appropriations made for what time. For what purposes and how made. Statement of receipts and expenditures to be published annually. Treasury warrants & treasury notes not to be issued for circulation as money.

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

Of absence on business of State or United States.

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

Of deductions from salaries of officers.

SECTION IX. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit, or trust, under this State.

Members of Congress and persons holding offices of profit or trust under the United States or any other government not eligible as members of Legislature. Change of venue.

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

Change of venue.

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

Arbitration.

SECTION XII. All civil officers shall reside within the State; and all district or county officers, within their districts or counties;

Residence and place of office of officers.

and shall keep their offices at such places therein as may be required by law.

Laws regulating the adoption of children, emancipation of minors, & laws of divorce to be passed.

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

Married women, right of, to be protected.

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

Rights of infants and insane persons not barred.

Homesteads. Exempt from forced sale.

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

Amount and value of

Exceptions to exemption from forced sale.

Consent of wife necessary to sale.

Official duties—how to be performed until successors in office are appointed.

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

Laws to embrace but one subject, and that to be expressed in title.

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

Laws—how revised and amended.

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

Taxation equal and uniform. Property to be taxed in proportion to value.

SECTION XIX. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law,

except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession; provided, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

Income tax.
Occupation tax.

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

Tax liens.

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

Landed property, how sold for taxes.

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

Provisions to be made for such sale.

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

Interest on State and county debt.
Sinking fund for same.

SECTION XXIV. The Legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties; provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled, by numbers, to the right of separate representation. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein; nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors; and in all cases where, from the want of qualified jurors, or other cause, the courts cannot

New counties.
Size of old counties.
Size of new counties.
Suffrage in new.
Number of qualified jurors necessary in new.
Number to be left in old.

Counties to be attached to others in certain cases.

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.

Pensions.

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

Poor Houses.

What kind.

What for.

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

Persons committing petty offenses may be committed to.

Marriage and legitimacy.

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

Assessment by Justices of Peace.

Collection of taxes by sheriffs.

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

Births, deaths and marriages to be recorded.

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

Homicides by persons, corporations and companies. Damages therefor—to whom payable.

SECTION XXX. Every person, corporation, or company, that may commit a homicide through willful act, or omission, shall be responsible in exemplary damages, to the surviving husband, widow, heirs of his or her body, or such of them as

there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

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

Priests and ministers not to claim exemption in certain cases.

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

Internal improvements—tax for, in counties.

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

Secession null and void.

Laws and ordinances founded thereon null and void.

Legislatures from March 18, 1861, to August 6, 1866, had no authority to make laws.

Certain rules and regulations made by them may be observed.

Private rights not to be affected.

Certain official acts not to be invalidated.

Of the Legislature of A. D. 1866, and its acts.

or to discriminate between citizens on account of race or color ;
or to operate prejudicially to any class of citizens.

Debts created by Texas from the 28th of January, 1861, to August 5th, 1865, inclusive, null and void.

Unpaid balances of salaries, &c., in certain cases forfeited

Certain 10 per cent. warrants exchanged, declared paid.

Loyal persons may in certain cases, by proceedings commenced within two years, avoid contracts and annul decrees, &c.

Revision and digest of laws.

When to be made.

Lotteries and sale of lottery tickets prohibited.

Divorces not to be granted by Legislature.

Offices—duration of.

SECTION XXXIV. All debts created by the so-called State of Texas, from and after the 28th day of January, A. D. 1861, and prior to the 5th day of August, 1865, were, and are null and void ; and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts. All unpaid balances, whether of salary, per diem, or monthly allowance, due to 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.

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

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

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

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

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

Soldiers not to be quartered—where.

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

Sales of landed property under decree of Court. How made.

SECTION XLI. 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.

Removals from office by address of Legislature.

SECTION XLII. 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.

Salaries not to be paid to such as hold certain other offices.

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

Statutes of limitation—suspension of.

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

Usury laws—abolished and prohibited.

Interest laws.

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

Voters and qualified jurors.

SECTION XLVI. It shall be the duty of the Legislature, after the adoption of this Constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges, and the improvement of the public roads in the different counties in the State, under such rules and regulations as the Legislature shall provide;

Road taxes and for what appropriated.

No law requiring personal service on public roads.

and no law shall be passed requiring the personal services of any portion of the people on the public roads.

Lien of mechanics and artisans to be provided for.

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

Liquors.

Sale of intoxicating or spirituous liquors may be prohibited in certain places.

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

Legislature to give effect to provisions of this Constitution.

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

Amendments to this Constitution.

To be proposed by Legislature.

Published in public prints.

Poll opened for.

Returned to Legislature, if carried.

Legislature votes thereon by yeas and nays.

Two-thirds vote ratifies.

SECTION L. The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in the public prints of this State, at least three months before the next general election of Representatives, for the consideration of the people; and it shall be the duty of the several returning officers, at the next general election which shall be 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.

Congressional
Districts.

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

1st District.

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

2d District.

SECTION III. The Second 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.

3d District.

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

4th District.

SECTION V. The Fourth Congressional District shall consist of the counties of Colorado, Fayette, Lavaca, Jackson, Bastrop, Travis, Williamson, Bell, Hamilton, Comanche, Brown, Coleman, Runnels, Concho, McCulloch, San Saba, Lampasas, Burnet, Llano, Mason, Kendall, Edwards, Kerr, Gillespie, Blanco, Bandera, Comal, Hays, Caldwell, Guadalupe, Bexar, Wilson, Gonzales, De Witt, Karnes, Goliad, Victoria, Calhoun, Refugio, San

Patricio, Nueces, Bee, Live Oak, Atascosa, Medina, Uvalde, Dawson, Zavala, Frio, Dimmitt, Lasalle, McMullin, Encinal, Duval, Cameron, Hidalgo, Starr, Zapata, Webb, Kinney, Presidio, Maverick, Elpaso, 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.

Of the Election for ratification or rejection of the Constitution.

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

Submission of Constitution.

Vote—what shall be.

At places to be designated by the Commanding General. Returns made to him.

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

Senatorial, and other elections—at same time.

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

Under same regulations.

Returns—the same. Certificates to be given by Commanding General. Officers — when to commence duties.

Terms of office.

Members of Congress.

Election of, at same time.

How conducted.

Returns and certificates to and from the Commanding General.

IV. An election for members of the United States Congress shall be held in each Congressional District as established by this Convention, at the same time and place as the election for ratification or rejection of the Constitution. Said election shall be conducted by the same persons and under the same regulations as before mentioned in this declaration. The returns shall be made to the Commanding General, who shall give the persons chosen certificates of election.

Legislature to assemble on 21 Monday Sept., 1869.

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

Commanding General requested to enforce this declaration.

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

Attest:

WM. V. TUNSTALL,
Secretary of Convention.

ED. J. DAVIS,

President of Convention.

DELEGATES.

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. P. Cole,.....	Hopkins.

DELEGATES.

COUNTIES.

J. R. Scott,	Hopkins and Lamar.
John Mackey,	Travis and Caldwell.
Marsh Glenn,	Anderson and Henderson.
Wm. Phillips,	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.

INDEX TO CONSTITUTION.

A

ABSENCE—	
from State, or United States.....	35
ACCUSED—	
bailable, when	5
how holden to answer on criminal charge.....	5
to be heard in defence.....	4
to have compulsory process for witnesses.....	5
to be confronted with witnesses	4
ADDRESS—	
right of.....	6
removal by.....	41
ADJOURNMENT.....	9-10
ADMINISTRATION—	
letters of.....	24
ADVERSE POSSESSION—	
as against married women, infants and insane.....	36
AFFIDAVIT—	
of probable cause, for search.....	4
AGENCIES OF IMMIGRATION.....	33
APPEALS—	
from interlocutory judgments.....	22
in criminal cases.....	22
APPORTIONMENTS—	
for Representative and Senatorial districts.....	8-14

APPORTIONMENTS— <i>continued.</i>	
new, to be made how often.....	8
Senatorial districts not to be separated.....	8-9
APPROPRIATIONS—	
for internal improvements.....	35
for private purposes.....	35
term for which made.....	35
APPROPRIATIONS FOR IMMIGRATION—	
to what devoted.....	33
ARBITRATION.....	35
ARCHIVES—	
of land titles.....	20
ARMS—	
right to keep and bear,.....	5
ARREST—	
by Legislature.....	10
electors privileged from, at election.....	7
exception to this.....	7
members of Legislature privileged from,.....	10
exceptions to this.....	10
ASSEMBLY—	
right of,.....	6
ASSESSORS AND COLLECTORS.....	38
who to be.....	38
to receive instructions from Comptroller.....	20
delinquent, annual list of.....	20
to return annual list of tax payers.....	20
ATTENDANCE—	
of members of Legislature may be compelled.....	9
ATTORNEY GENERAL—	
appointment, qualifications, term of office, residence and duties of,.....	20
impeachment of,.....	29

B

BAIL AND BAILABLE OFFENSES	5
bail not to be excessive	5
BILLS—	
how originated, amended and passed	10
rejected—not to pass during same session	10
to be presented to Governor for approval	21
proceedings thereon	21
reconsideration of,	21
if not returned within five days—what	21
if presented one day before adjournment	21
of appropriations in bills, approval, &c.,	21
BILLS OF ATTAINDER	5
BILL OF RIGHTS—	
U. S. Constitution, laws and treaties, supreme	3
social compacts may be formed	4
no religious tests required	4
no exclusive privileges	4
of worship and support of ministry	4
of conscience and religion	4
protection of religious denominations	4
liberty of speech and the press	4
truth of publication may be given in evidence	4
jury to determine law and facts, when	4
of seizures and searches	4
speedy public trial before jury	4
giving evidence against one's self	4
being heard by self and counsel	4
witnesses, in favor of accused	5
trial on indictment and information	5
bail and habeas corpus	5
excessive fines and punishment	5
remedy by law	5
of jeopardy of life, and trial after verdict	5
inviolability of trial by jury	5
keeping and bearing arms	5
bills of attainder, ex post facto laws, &c.	5
equality of persons before the law	5-6
life, liberty and the franchise	5
military and civil authority	6

BILL OF RIGHTS— <i>continued.</i>	
perpetuities, monopolies, primogenitures, &c.....	6
right of assembly and petition.....	6
coolies, peonage and slavery.....	6
BIRTHS—	
to be recorded.....	38
BOARD OF IMMIGRATION.....	33
BRIBERY—	
of members of Legislature.....	11
laws to exclude from office and suffrage for,.....	34
C	
CAPITAL AND CAPITOL— (See “Seat of Government.”)	
CAPITAL PUNISHMENT—	
imprisonment for life may be substituted for,	24–26
death penalty, for what offenses.....	26
CERTIFICATES—	
of Secretary of Convention.....	43
of Commission.....	47
of <i>Elections</i> , to be returned to Commanding General.....	45–46
CHALLENGES	34
CHIEF JUSTICES— (See “Supreme Court” and “Justices of Peace.”)	
of <i>Counties</i> , to receive returns,.....	15
CHILDREN—	
adoption of,.....	36
CLERK—	
of Supreme Court, term of office, bond of, and removal of,	23
of District Court, how elected, term of office, duties of, and removal of,	24
COHABITATION	38
COLLECTORS—	
who are,.....	38

COLLECTORS— <i>continued.</i>	
ineligible to Legislature	11
COMMANDER-IN-CHIEF	17
COMMANDING GENERAL—	
to prescribe place and regulations for holding elections for ratification of Constitution	45
<i>Returns</i> to be made to,	45
of State, District and County officers, also Congressional	45-46
<i>Certificates</i> of their election to be given by him	45-46
requested to enforce declaration	46
COMMISSIONS—	
to be in name of the State	19
how signed, sealed and attested	19
of Sheriffs and Justices of the Peace	27
COMMISSIONER OF GENERAL LAND OFFICE—	
election, qualification, term of office, duties of,	20
impeachment of,	29
COMPENSATION—	
of members of Legislature	11-12
of Governor	17
of Lieutenant Governor	19
of President of the Senate for time being	19
of Secretary of State	21
of Comptroller	21
of Treasurer	21
of Commissioner of Land Office	21
of Judges of Courts	25
of District Attorney	25
of Sheriff	27
of District Clerks	27
of Justices of the Peace	27
of other officers, agents and contractors	34-35
deductions from salaries—when made	35
salaries not to be paid—when	41
COMPLAINTS	23
COMPTROLLER OF PUBLIC ACCOUNTS—	
election of,	19
qualifications	19

COMPROLLER OF PUBLIC ACCOUNTS— <i>continued.</i>	
term of office.....	20
duties.....	20
impeachment of,.....	29
COMPULSORY PROCESS—	
for obtaining witnesses.....	4-5
CONGRESSIONAL DISTRICTS.....	44
CONGRESSIONAL ELECTIONS.....	46
CONSCIENCE—	
right of,.....	4
no religious test as qualification for office.....	4
in matters of worship and its support.....	4
CONSTABLES—	
to serve process, when.....	26
appointment of,.....	27
term of office.....	27
removal of,.....	27
CONSTITUTION—	
the Legislature to give effect to,.....	42
amendments.....	42
<i>Election for ratification or rejection of,</i>	
when and where held.....	45
vote, what to be.....	45
provisions as to,.....	45
returns to be made to Commanding General.....	45
CONSTITUTION OF THE UNITED STATES—	
together with the laws and treaties made in pursuance thereof, acknowledged to be the supreme law.....	3
this Constitution in harmony with, and subordinate to,.....	3
CONTESTED ELECTIONS.....	9
CONTRACTS—	
obligation of, not to be impaired by law.....	5
no law against enforcement of,.....	5

COOLIES—		
importation of, prohibited.....		6
CORONERS—		
	(See “Justice of the Peace.”)	
COUNTIES—		
<i>New Counties</i> , establishment of,		37
size of,		37
number of qualified jurors in,		37
suffrage		37
size of old counties		37
qualified jurors in,		37
counties united, when		38
to provide poor houses		38
COUNTY COMMISSIONERS—		
	(See “Justice of the Peace.”)	
COURTS—		
to be open to all persons		5
<i>Criminal</i>		22
<i>District</i>	22 to 28	
<i>Justice and Police</i>	22 to 28	
<i>Supreme</i>	22 to 28	
CRIMINAL CASES—		
jury to assess fines and impose punishment in,		24
exceptions to this		24
D		
DANGEROUS DISEASE		17
DEATHS—		
to be recorded		38
DEBT—		
imprisonment for, forbidden		5
of State or County—sinking fund for,		37
of State, created during rebellion, null and void		40
Legislature prohibited from paying such,		40
of unpaid balances at beginning of rebellion		40

DECLARATION—	
establishing Congressional Districts.....	44
for elections.....	44
DEDUCTIONS—	
from salaries, when made.....	35
DISFRANCHISEMENT.....	6
DISQUALIFICATIONS—	
of <i>Judges</i> to sit on trials.....	25
proceedings on.....	25
exchanges, because of.....	25
appointments, because of.....	25
of <i>voters</i>	28
DISTRICTS—	
<i>Senatorial</i>	8, 9, 13, 14, 15-16
<i>Representative</i>	8, 9, 13, 14, 15-16
apportionment of Senators and Representatives.....	14
returns to be received by Chief Justices.....	15
<i>Judicial</i>	23
<i>Congressional</i>	44
DISTRICT ATTORNEY—	
to receive instructions from Attorney General.....	20
election of, term of office, and salary.....	25
DISTRICT COURT—	
State to be divided into Judicial Districts.....	23
<i>one Judge</i> for each district.....	23
appointed by Governor and Senate.....	23
term of office.....	23
residence of.....	23
terms of court.....	23
election to be had as to election of Judges after July 4, 1876....	23
<i>Jurisdiction</i>	23-24
writ of habeas corpus, and other writs.....	23
appellate, jurisdiction of.....	23
original and exclusive jurisdiction in, what.....	23
<i>Clerk</i> of.....	
how elected.....	23
how removed.....	23
duties of, as to estates of lunatics, idiots, minors and persons of	

DISTRICT COURT—*continued.*

unsound mind.....	24
to be Clerk of Police and County Courts.....	24
<i>Judges</i> , how removed.....	24-25
not to sit in certain cases.....	25
who to sit in such cases.....	25
cases to be transferred, when.....	25
sessiols of,.....	23

DIVISION OF THE POWERS OF GOVERNMENT.....	7
---	---

DIVORCE.....	36-40
--------------	-------

DUELLING.....	34
---------------	----

E

ELECTIONS—

for State, County and District officers, where.....	8
polls, to be open, how long.....	8
to be general.....	12
for Judges.....	23
by ballot, when.....	34
in Legislature, how.....	34
contested.....	9
returns to Commanding General, when.....	45, 46
of Representatives.....	8, 9
of Senators.....	8, 9
<i>for ratification of Constitution</i> ,	
provisions concerning.....	45
of State officers at time of Constitutional, provisions for.....	45
for members of Congress.....	46
<i>Declarations</i>	
for Constitutional ratification.....	45
Senatorial and other officers.....	45

ELECTORS—

who are, residence of, registration of.....	7, 8
where may vote, privilege from arrest, when.....	7, 8
duelling, effect on.....	34
conviction of certain crimes, effect on.....	34

ELIGIBILITY TO OFFICE—

none but voters eligible.....	9
of members of Legislature.....	8, 9

FELONY--*continued.*
of fines of less grade, how tried. 26

FINES AND FORFEITURES—
may be remitted, when. 18
when assessed by jury. 24

FISCAL AFFAIRS—
to be in charge of Comptroller. 20

FORFEITURES—
recovery of, 23

FORGERY 34

FRAUDS—
towards loyal persons during rebellion, how redressed. 40

G

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

GENERAL PROVISIONS. 34

GOVERNMENT—
departments of, 7-16

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

GOVERNOR—*continued.*

shall call out militia, when.....	28
impeachment of,.....	29

GUARDIANS—

appointment of,.....	24
settlement with,.....	24

H

HABEAS CORPUS—

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

HOMESTEADS—

when located, size of,.....	33
exempt from forced sales.....	36
exceptions.....	56
consent, of wife.....	36

HOMICIDES—

by person, corporation or company.....	38-39
exemplary damages for,.....	39
by whom recoverable.....	39

HOUSE OF REPRESENTATIVES AND SENATE—

<i>Members</i> —how chosen, term of office.....	8
privileged from arrest, (and exceptions,).....	10
compensation of,.....	11-12
ineligibility to certain offices.....	11
expulsion of,.....	11
ineligibility of certain persons to be,.....	11
bribery of,.....	11-12
sessions, annual.....	8
qualifications of Legislature.....	8-9
House to consist of ninety members.....	8
to elect Speaker and other officers.....	9
each House is to be judge of election and qualifications of its own members.....	9
contested elections determined by law.....	9
two-thirds constitute quorum.....	9
less may adjourn.....	9
may compel attendance of members.....	9
may determine rules of order.....	9
may punish and expel members, how.....	9

HOUSE OF REPRESENTATIVES AND SENATE—*continued.*

shall keep journals and publish same.....	9
yeas and nays, when to be entered on journals.....	9
members may dissent, protest, &c.....	9
vacancies, how filled.....	9
may punish persons not members, when and how.....	10
sessions open, when.....	10
adjournment.....	10
origination, passage or rejection of bills.....	10
not to pass private or special laws.....	10
not to vacate roads and streets.....	10
rejected bills not to pass, or substance.....	10
not to authorize lotteries.....	11
elections to be general.....	12
number of Senators, how apportioned.....	12
election of United States Senators by,.....	12
impeachment in,.....	29

HUSBAND AND WIFE—

who are,.....	38
---------------	----

I

IDIOTS—

estates of,.....	24
------------------	----

IMMIGRATION—

<i>Bureau</i> , its objects.....	33
<i>Board</i> , its duties and powers.....	33
<i>Superintendent</i> , his duties and powers.....	33
<i>Agencies</i> , where and for what.....	33
<i>Appropriations</i> , objects of,.....	33

IMPEACHMENT—

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

IMPRISONMENT FOR DEBT—

prohibited.....	5
-----------------	---

IMPRISONMENT FOR DEBT— <i>continued.</i> for life, may be substituted for capital punishment	24
INAUGURATION OF GOVERNOR	17
INDICTMENT— trial on, in cases of felony	26
INELIGIBILITY— of Senators and Representatives of persons holding offices of profit and trust of Collectors and others of members of Congress and others to State Legislature	11 11 11 35
INFANTS— rights of,	36
INFORMATION— by the Governor	17
INJURIES— remedy for,	5
INSANE PERSONS— rights of,	36
INTEREST—(See "Usury.")	
INTERNAL IMPROVEMENTS— in counties, taxes for,	39
J	
JEOPARDY OF LIFE	5
JOURNALS OF LEGISLATURE	9
JUDGES, <i>District</i> — appointed, how provision for election of, term of office residence how removed not to sit, when	23 23 23 23 24 25

JUDGES, *District—continued.*

disqualifications to sit.	25
exchanges	25
salary	25
impeachment	29

Supreme—

number of,	22
appointment or election of,	22-23
how classed	22
presiding judge	22
vacancies in,	22
removals of,	24
not to sit, when	25
disqualifications to sit.	25
salary.	25
impeachment	29

JUDGMENTS, *Intelocutory—*

appeals from,	22
-------------------------	----

JUDICIAL DEPARTMENT—

where vested.	22
Supreme Court	22
Criminal Court	22
District Court	23-24
Justices of the Peace.	26-27

JURISDICTION—

of Supreme Court	22
of District Court.	23-24

JURORS—

who are qualified.	41
----------------------------	----

JURY—

to determine law and evidence, when.	4
speedy and public trial before,	4
trial by,	5
to assess fines and impose punishments, when.	24
powers over capital punishment, what.	24
trials by, in law and equity, when	26

JUSTICES OF THE PEACE—

election of,	24
------------------------	----

JUSTICES OF THE PEACE—*continued.*

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

JUSTICES' PRECINCTS	27
-------------------------------	----

L

LAND—

suits to recover,	23
titles	20-32

LAND PUBLIC—

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

LAND CERTIFICATES—

to be surveyed and returned, when	32
vacated, when	32

LAND OFFICE, GENERAL—

titles kept in,	32
---------------------------	----

LAND OFFICES, SUBORDINATE—

may be created	32
--------------------------	----

LAW AND EQUITY	26
LAW OF ENTAILMENT	6
LAW, EX POST FACTO	5
LAW IMPAIRING OBLIGATION OF CONTRACTS	5
LAW OF PRIMOGENITURE	6
LAW RETRO-ACTIVE	5
LAWS DURING REBELLION	39
LAWS—	
to be revised and digested, when	40
suspension of,	6
private and special	10-36
to be executed by Governor	17
to embrace but one subject	36
not to be revised or amended by title	36
LEGISLATIVE DEPARTMENT—	
what, how composed, powers, privileges and duties	7 to 13
style of,	7
election of,	8
eligibility of members	8-9
vacancies in,	9
origination and passage of bills by,	10
ineligibility of members to other offices	11
ineligibility	11-35
elections to, how regulated	12
seat of government, how fixed	12
(See also "House of Representatives.")	
LEGISLATURE—	
how convened	17
in case of dangerous disease or public enemy, how	17
by Secretary of State, when	19
during rebellion	39
Provisional, of 1866	39
to give effect to Constitution	42
may propose amendments to Constitution	42

LEGISLATURE—*continued.*

elected under this Constitution, to convene on second Monday of
September, 1869. 45

LEGITIMACY 38

LIBELS—

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

LIBERTY OF CONSCIENCE. 4

LIBERTY OF SPEECH AND OF THE PRESS. 4
deprivation of, 6

LIEN—

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

LIEUTENANT GOVERNOR—

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

LIFE—

no person to be deprived of, except 5, 6

LIMITATIONS, STATUTE OF—

against married women, infants and insane persons 36
suspension of, 41

LIQUORS—

sale of, 42

LOTTERIES AND LOTTERY TICKETS 11, 40

LUNATICS—

estates of, 24

M

MANDAMUS—	
and other writs—issued by Supreme and District Courts.....	23
MARRIAGES—	38
to be recorded.....	38
MARRIED WOMEN—	
rights of,.....	36
MATRIMONY—	
rights in,.....	38
MECHANICS AND ARTISANS—	
lien of,.....	42
MILITARY—	
subordinate to civil authority.....	6
MILITIA—	
may be called out by Governor, when.....	28
MINERALS.....	33
MINISTER OF THE GOSPEL—	
accepting seat in Legislature.....	39
MINISTRY—	
not to be maintained against consent.....	4
MINORS—	
estates of,.....	24
emancipation of,.....	36
MONEY—	
how drawn from Treasury.....	35
account of receipts and expenditures.....	35
Treasury warrants and notes not to circulate as,.....	35
MONEY BILLS—	
how passed.....	10
MONEY, PUBLIC—	
by whom kept.....	20

MONEY—	
<i>Warrants</i> for,	20
to whom drawn	20
countersigned by whom	20
MONOPOLIES—	
not to be allowed	6
N	
NEGLECT—	
of duty of public officers	35
NOTARIES PUBLIC— (See “Justices of the Peace.”)	
NULL AND VOID—	
ordinance of secession is,	39
laws arising thereunder are,	39
provisions therefor	39
debts created by State during the rebellion are,	40
O	
OATH—	
of members of the Legislature	34
OFFICES—	
duration of,	40
OFFICES—	
where kept	36
<i>of profit and trust</i>	11
what are not so deemed	11
<i>two</i> not to be held in certain cases	11
may be in county offices	11
duties to be performed, how long	36
ORDERS—	
to go to Governor, what	21
OUTLAWRY	6
P	
PARDONS—	
may be granted by Governor, when	18

PENALTIES—	
recovery of,	23
PENSIONS.....	38
PEONAGE—	
prohibited.....	6
PERJURY	34
PERPETUITIES—	
not allowed	6
PERSONAL EQUALITY	6
PETITION—	
right of,	6
PETTY OFFENSES—	
punishment of,.....	38
POLLS—	
for State, County, and District elections.....	8
where opened, and for how long	8
POOR HOUSES—Established.	
what kind, and what for	38
committed to, for petty offences.....	38
POWERS OF GOVERNMENT—	
divided into three departments	7
powers of each, how exercised.....	7
Legislative	7 to 13
Executive	16 to 20
Judicial	21 to 28
PREAMBLE—of Bill of Rights	3
PRESS—	
liberty of,	4
PRIESTS—	
accepting seats in Legislature	39

PRIMOGENITURE—	
law of, not allowed	6
PRISONERS—	
bailable when, and how	5
PRIVILEGES—	
of exclusive,.....	4
PROCESS—Compulsory.....	4-5
PROTEST—	
by members of Legislature	9
PUBLIC ENEMY.....	17
PUBLIC USE—	
property, how taken for,.....	5
PUNISHMENTS—	
cruel and unusual, not to be inflicted.....	5

Q

QUORUM	9
--------------	---

R

RATIFICATION—	
of Constitution.....	44
REGISTER—	
<i>official</i> , to be kept by Secretary of State.....	19
to be laid before Legislature, when.....	19
REGISTRATION OF ELECTORS	7
RELIGIOUS SOCIETIES—	
no preference to be given by law	4
laws for protection of, to be passed.....	4
RELIGIOUS TEST—	
not required as qualification for office.....	4

REMEDY—	
by due course of law	5
REMONSTRANCE—	
right of,	6
REMOVALS —	
Clerks of Supreme Court	28
Clerks of District Court	24
Constables.	27
County and District officers.	27
State officers, by impeachment and otherwise	29
Civil officers, by address	41
REPRESENTATIVES—	
to Legislature, (See “House of Representatives.”)	
qualifications, how elected	8
House to consist of ninety members	8
attendance may be compelled	9
punishment and expulsion of members.	9
REPRIEVES—	
granted by governor, when	18
RESIDENCE—	
of electors	7
of Governor	18
of Attorney General.	20
of Justice of Peace	27
RESIDENCE—	
of District Judges	23
RESOLUTIONS—	
what to go to Governor for approval	21
RETURNS—	
to be made to Commanding General, when.	44-45
REVISION OF LAWS.	40
RIGHT OF ASSEMBLY.	6
RIGHT OF CONSCIENCE.	4

RIGHT OF PETITION	6
RIGHTS—	
of married women	36
of infants	36
of insane persons	36
<i>Private</i> —not affected, when	39
ROADS AND BRIDGES	41
streets	41
how vacated	10
RULES OF ORDER—	
of Legislature, how determined	9

S

SALARIES—(See “ Compensation.”)	
SCHOLARS—	
who are,	29, 30
compulsory attendance of,	30
SCHOOL BOARD	30
SCHOOL DISTRICTS	30, 31
SCHOOL FUND	30, 31, 32
SCHOOLS, PUBLIC—	
Legislature to make provisions for,	29, 30
to be free	29
ages of scholars	29
<i>Superintendent of</i> —	
his appointment and election	29
term of office, and salary	29
duties of,	30
board of directors	30
attendance of scholars	30, 31
fund	30
houses	31
SCHOOL HOUSES	31

SEAL, on Commissions.....	19
of State, what, by whom kept.....	19
SEAMEN AND MARINES, not voters, (United States Navy).....	7
SEAT OF GOVERNMENT—	
settlement of,	12
SECESSION—	
Ordinance, null and void.....	39
laws founded thereon null and void.....	39
Legislatures from 1861 to 1866, without authority ...	39
provisions concerning,	39
private right not affected.....	39
of the Provisional Legislature of 1866.....	39
SECRETARY OF STATE—	
how appointed.....	19
term of office,	19
duties of,	19
impeachment of,.....	29
SEIZURES AND SEARCHES.....	4
security from,	4
warrant for,	4
SENATE AND SENATORS—	
how chosen.....	8
term of office	8
how classed.....	8
expiration of terms	8
number of Senators	8-12
qualifications and eligibility.....	9
new apportionment for,	8
(See "House of Representatives" for powers of each House.)	
President of Senate, who.....	18
SENATORS, UNITED STATES—	
election of,.....	12
SENTENCE—	
may be respited, when.....	18

SERVITUDE—	
involuntary, except as punishment for crimes, prohibited.	6
SESSIONS—	
of Supreme Court	23
of District Court	23
of Justices' Courts	27
of Legislature	8, 10-17
SHERIFFS—	
election, term of office and salary of,	26
incompetency and removal of,	26
commissioning of,	27
fees and compensation of,	27
to collect taxes	38
SINKING FUND—	
for redemption of State or County debt	37
SLANDER—	
of evidence in certain cases	4
SLAVERY—	
prohibited	6
SOLDIERS—	
not to be quartered, where	41
SOLDIERS, UNITED STATES—	
not voters	7
SPEAKER OF THE HOUSE—	
how elected.	34
SPEECH, LIBERTY OF	4
STATE GOVERNMENT—	
<i>Departments of, three.</i>	7
of Legislative	5
of Judicial	22
of Executive	16
STREETS AND ROADS—	
vacation of,	10

STREETS AND ROADS— <i>continued.</i>	
repairs of,	41
STYLE—	
of laws	7
of Legislature	7
of writs and process	26
SUBMISSION OF CONSTITUTION	44-45
SUBORDINATION—	
of this Constitution to the Constitution, laws and treaties of the United States	3
of military to civil authority	6
SUFFRAGE—	
voters, who are	28
age and residence of,	28
disqualification of,	28
free suffrage supported and protected.	34
duelling, effect on,	34
bribery, perjury and forgery, effect on,	34
absence from State	35
SUPERINTENDENT—	
of <i>Immigration</i> —	
appointment of,	33
salary of,	33
duties of,	33
of <i>Public Instruction</i> —	
appointment and election of,	29
term of office, salary and duties	29-30
SUPREME COURT—	
<i>Judges</i> of,	22
how appointed	22
term of office	22
how classified	22
vacancies, how filled	22
<i>Jurisdiction</i> —	
appeals	22
writs of habeas corpus	23
writ of mandamus and other writs	23
facts may be inquired into, when	23

SUPREME COURT—*continued.*

sessions	23
<i>Clerk, how appointed, and term of office.</i>	23
how removed	23
to give bond	23

SURVEYS—

of surveys not returned	32
-----------------------------------	----

T

TAX AND TAXATION—

for school purposes	30-31
to be uniform and according to value	37
on incomes and occupations	37
liens on taxed property	37
sale of real estate for,	37
for roads and bridges	41

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

TEST—

religious, not required	4
-----------------------------------	---

TITLES—

vacation of,	32
of public lands, where kept	20

TRANSPORTATION OF IMMIGRANTS	33
--	----

TREASON—

pardon of,	18
----------------------	----

TREASURER OF STATE—

election and qualifications of,	20
term of office of,	20
duties of,	20
impeachment of,	29

TREASURY NOTES AND WARRANTS—

not to issue for circulation as money	35
---	----

TRIAL BY JURY	4-5
-------------------------	-----

in both law and equity, when	26
in cases of felony and other offenses	26

TRIAL BY JURY— <i>continued.</i>	
in District Courts.....	28
in Justices' Courts	27

V

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

VENUE—	
change of,.....	35

VOTERS—(See "Electors.")

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

W

WARRANTS—	
<i>Treasury</i> , not to issue for circulation as money	35
10 per cent. decreed paid	40

WILLS—	
probate of,	24
letters testamentary.....	24

WITNESSES—	
to be confronted with accused	4
compulsory process for,.....	4-5

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

WRITS—	
served by Sheriff	26
served by Constable	26
(See "Mandamus.")	
(See "Habeas Corpus.")	
(See "Courts.")	

Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: Nov. 2005

Preservation Technologies

A WORLD LEADER IN PAPER PRESERVATION

111 Thomson Park Drive
Cranberry Township, PA 16066
(724) 779-2111

