

CONSTITUTION OF THE STATE OF TEXAS, ADOPTED IN CONVENTION, AT THE CITY OF AUSTIN, 1845.

We, the people of the republic of Texas, acknowledging with gratitude the grace and beneficence of God in permitting us to make a choice of our form of government, do, in accordance with the provisions of the resolution for annexing Texas to the United States, approved March first, one thousand eight hundred and forty-five, ordain and establish this constitution.

ARTICLE FIRST. Bill of rights.

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

Sec. 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times the inalienable right to alter, reform, or abolish their form of government, in such manner as they may think proper.

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

Sec. 3. No religious test shall ever be required as a qualification to any office or public trust in this State.

Sec. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences; no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; no human authority shall, in any case whatever, control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or modes of worship. But it is the duty of the legislatures to pass such laws as shall be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

Sec. 5. Every citizen shall be at liberty to speak, write, or publish his sentiments on all subjects, responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

Sec. 6. In prosecutions for the publication of papers reflecting upon the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence. And in all instances in which the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

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

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

Sec. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption is great. The privilege of writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion, the public safety may require it.

Sec. 10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open; and every person, for any injury done to his person, property, person, or reputation, shall have remedy by due course of law.

Sec. 11. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again or a second time put in jeopardy under a verdict of not guilty; and the right of trial by jury shall remain inviolate.

Sec. 12. Every citizen shall have the right to keep and bear arms in the lawful defence of himself and his State.

Sec. 13. 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 for public use without adequate compensation being made, unless by the consent of such person.

Sec. 14. No person shall ever be imprisoned for debt.

Sec. 15. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of law.

Sec. 16. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or descent be introduced into this State.

Sec. 17. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

Sec. 18. To guard against transgressions of the high powers herein delegated, we declare that everything in this "bill of rights" is excepted out of the general powers of government, and shall forever remain inviolate, unless by their consent, or to the following provisions, which may be void.

ARTICLE SECOND.

SECTION 1. 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 a third; 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.

Legislative Department.

Sec. 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is, at the time of the adoption of this constitution by the Congress of the United States, a citizen of the republic of Texas, and who has resided six months in the district, county, or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans, excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of the election, he shall be permitted to vote for any district, county, or town, in which he resides, in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 2. The legislative powers of this 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 all laws shall be, "Be it enacted by the legislature of the State of Texas."

Sec. 3. The members of the senate, immediately preceding his election, and the last year thereof, shall be chosen, and shall have attained the age of 30 years.

Sec. 4. The members of the house of representatives, immediately preceding his election, and the last year thereof, shall be chosen, and shall have attained the age of 21 years.

Sec. 5. No person shall be a representative, unless he be a citizen of the United States, or at the time of the adoption of this constitution a citizen of the republic of Texas, and shall have resided six months in the district, county, or town in which he offers to vote, (Indians not taxed, Africans and descendants of Africans, excepted), shall be deemed a qualified elector; and should such qualified elector happen to be in any other county situated in the district in which he resides at the time of the election, he shall be permitted to vote for any district, county, or town, in which he resides, in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

Sec. 6. The members of the senate, immediately preceding his election, and the last year thereof, shall be chosen, and shall have attained the age of 30 years.

Sec. 7. All elections by the people shall be held at such time and places, in the several counties, cities, or towns, as are now, or may hereafter be designated by law.

Sec. 8. The senators shall be elected by equal

divided elections for the term of four years, and shall be divided by lot into two 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 the second year; so that one-half thereof shall be chosen biennially thereafter.

Sec. 9. Such mode of classifying new additional senators shall be observed, as well as nearly as possible as an equality may move in each class.

Sec. 10. When a senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

Sec. 11. No person shall be a senator unless he be a citizen of the United States, or at the time of the acceptance of this constitution by the Congress of the United States, a citizen of the republic of Texas; and shall have been an inhabitant of this State three years next preceding the election, and in the last year thereof shall have attained the age of 30 years.

Sec. 12. The house of representatives, when assembled, shall choose a speaker and his other officers, and the time being and his other officers. Each house shall judge of the qualifications and elections of its own members; but contested elections shall be determined in such manner as shall be directed by law.

Sec. 13. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offence.

Sec. 14. 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, be entered on the journal.

Sec. 15. 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.

Sec. 16. 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, for any debt or civil liability, which shall not be a debt or civil liability incurred by the legislature.

Sec. 17. Each house may punish by imprisonment during the session, any person not a member of either house, who shall be guilty of disorderly conduct, or for obstructing any of its proceedings; provided such imprisonment shall not at any one time exceed 48 hours.

Sec. 18. The doors of each house shall be kept open.

Sec. 19. 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, or to the residence of any member.

Sec. 20. 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 thereon be had in each house, and the yeas and nays of the members of each house be taken thereon, and the bill shall be signed by the speaker and president.

Sec. 21. All bills for raising revenue shall originate in the house of representatives; but the senate may amend or reject them, as other bills.

Sec. 22. If a bill or resolution has been rejected by either branch of the legislature, a second resolution containing the same substance shall be passed in a law during the same session.

Sec. 23. Each member of the legislature shall receive a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

Sec. 24. No senator or representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; and no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature; nor shall the members thereof be capable of being elected to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature.

Sec. 25. 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 any office of honor or emolument, shall be eligible to the legislature, nor shall at the same time hold or exercise any two offices, agencies, or appointments, or trust or profit under this State; provided that officers of the militia, who are attached to no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

Sec. 26. No person who at any time may have been a member of the legislature, or who has been otherwise intrusted 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 the public moneys with which he may have been intrusted.

Sec. 27. Ministers of the Gospel being by their profession dedicated to God and the care of souls, their functions; therefore no minister, priest, or priest of any denomination whatever, shall be eligible to the legislature.

Sec. 28. Elections for senators and representatives shall be held throughout the State, and shall be regulated by law.

Sec. 29. The legislature shall, at its first meeting, and in the year one thousand eight hundred and forty-eight, and fifty, and every eight years thereafter, cause an enumeration to be made of all the white males of the age of twenty-one years, and of all the descendants of Africans, (excepted) of the State, signifying particularly the number of qualified electors; and the whole number of representatives shall be fixed by the legislature, and the number of the several counties, cities, or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

Sec. 30. The members of the legislature shall be chosen by the people, and their terms of office shall be as follows: to wit: The counties of Fannin and Lamar shall constitute the first district, and elect one senator; the counties of Red River and Bowie, the second; the counties of Fannin, Lamar, Red River, and Bowie, the third; the counties of Harrison, the fourth; the counties of Harrison, the fifth; the counties of Sabine and Jasper, the sixth; the counties of Harrison, the seventh; the counties of Harrison, the eighth; the counties of Harrison, the ninth; the counties of Harrison, the tenth; the counties of Harrison, the eleventh; the counties of Harrison, the twelfth; the counties of Harrison, the thirteenth; the counties of Harrison, the fourteenth; the counties of Harrison, the fifteenth; the counties of Harrison, the sixteenth; the counties of Harrison, the seventeenth; the counties of Harrison, the eighteenth; the counties of Harrison, the nineteenth; the counties of Harrison, the twentieth; 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