

Constitution of The Republic of Texas

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

Article Ist

Section 1st The powers of this Government shall be divided into three departments, Legislative, Executive and Judicial, which shall remain forever separate and distinct.

Section 2nd The legislative power shall be vested in a Senate and House of Representatives, to be styled The Congress of the Republic of Texas.

Section 3rd The members of the House of Representatives shall be ^{chosen} ~~chosen~~ annually on the first Monday of September each year and shall hold their office one year from the date of their election until their successors are chosen.

Section 4th No person shall be eligible to a seat in the House of Representatives until he shall be at least the age of twenty ^{five} ~~two~~ and be a citizen of the Republic and shall have resided in the County or district for three months preceding the election.

Section 5th The House of Representatives shall not consist of less ~~more~~ ^{more} than twenty ~~four~~ ^{four} nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of Representatives shall not be

less than forty nor more than One hundred, provided, however, that each County shall be entitled to at least One Representative, until the Counties shall exceed One hundred in Number.

Section 6.^a The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of Impeachment.

Section 7.^a The Senators shall be ~~chosen~~^{Chosen} by districts as nearly equal in free population, (free Negroes and Indians excepted) as practicable, and the number of Senators shall never be less than one third nor more than one half of the number of Representatives; and each district shall be entitled to one Senator and no more.

Section 8.^a The Senators shall be ~~chosen~~^{Chosen} on the first Monday in September, for the term of three years, shall be citizens of the Republic, reside in the district for which they are respectively ~~chosen~~^{Chosen}, at least one year before the election, and shall have attained the age of thirty years.

Section 9.^a At the first Session of the Congress, after the adoption of this Constitution, the Senators shall be divided by lot, into three Classes, as nearly equal as practicable; the seats of the Senators of the first Class shall be vacated at the end of the first year, of the second Class at the end of the second year, and of the third Class at the end of the third year, in such manner that one third shall be ~~chosen~~^{Chosen} each year thereafter.

Section 10.^a The Vice President of the Republic shall be President of the Senate, but shall not vote on any question unless the Senate shall be equally divided.

Section 11.^a The Senate shall choose all other officers of their body; and a President pro tempore.

in the absence of the Vice President, or when ever he shall exercise the Office of President, shall have the sole power to try impeachments, and when sitting as a Court of impeachment shall be under oath, but no conviction shall take place without the concurrence of two thirds of all the members present.

Section 12.th Judgment in cases of impeachment shall only extend to removal from office and disqualification to hold any Office of honor trust or profit under this Government; but the party ^{shall} be liable to indictment trial judgment and punishment according to law.

Section 13.th Each house shall be the judge of the election, qualifications and returns of its own members: two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

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

Section 15.th ~~Each~~ Senators and Representatives shall receive a compensation for their services to be fixed by law, but no increase of compensation or diminution ~~thereof~~ shall take effect during the session, at which such increase or diminution shall have been made; They shall, except in cases of Treason, felony or breach of the peace, be privileged from arrest during the session of Congress, and in going to and returning from the same, and for any speech or debate in either house they shall not be questioned in any other place.

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

Section 17.^a Each house shall keep a journal of its proceedings and publish the same ~~except~~ except such parts as in its judgment requires secrecy — when any three members shall desire the yeas and nays on any question they shall be entered on the journals.

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

Section 19.^a When vacancies happen in either house the Executive shall issue writs of election to fill such vacancies.

Section 20.^a No bill shall become a law until it shall have passed both houses been read on three several days in each house and passed by the same, except in cases of emergency, two thirds of ^{the} members of ~~each~~ ^{the} house where the bill originated, shall deem it expedient to dispense with the rule.

Section 21.^a After a bill shall have been rejected no bill containing the same substance shall be passed into a law during the same session.

Section 22.^a The style of the ^{laws of the} Republic shall be "Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled."

Section 23.^a No person holding an office of profit under

the government shall be eligible to a seat in either house of Congress, nor shall any member of either house be eligible to any office which shall be created, or the profits of which shall be increased during his term of service.

Section 24th. No holder of public monies or collector thereof shall be eligible to a seat in either house of Congress until he shall have acquitted himself fully of all responsibility, and shall produce the proper official receipt thereof. Members of either house may protest against any act or resolution, and may have such protest entered on the journals of their respective houses.

Section 25th. No money shall be drawn from the public Treasury but in strict accordance with appropriations made by law, and no appropriation shall be made for private or local purposes unless two thirds of each house concur in such appropriation.

Section 26th. Every act of Congress shall be approved and signed by the President before it becomes a law, but if the President will not approve and sign such act, he shall return it to the house in which it shall have originated, with his reasons for not approving the same, which shall be spread on the journals of such house; and the ~~act~~ ^{bill} shall then be reconsidered and shall not become a law unless it shall then pass by a vote of two thirds of both houses; if an act shall be disapproved by the President the vote on the reconsideration shall be recorded ^{by} Yeas and Nays; if the President shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the Congress prevents its return within the time above specified by adjournment.

Section 27th. All bills, acts, orders, or resolutions to which the concurrence of both houses may be necessary

(motions or resolutions for adjournment excepted) shall be approved and signed by the President or being disapproved shall be passed by two thirds of both houses in manner and form as specified in Section twenty six

Article 2nd

Section 1st Congress shall have power to levy and collect taxes, and imposts excise and tonnage duties - to borrow money on the faith Credit and property of the Government - to pay the debts and provide for the common defence and general welfare of the Republic

Section 2nd To regulate Commerce - to coin money regulate the value thereof, and of foreign coin - to fix the Standard of weights and measures but nothing but gold and silver shall be made a lawful tender

Section 3rd To establish Post Offices and Post Roads to grant Charters of incorporation, Patents and Copy-rights and secure to the authors and inventors thereof the exclusive use thereof for a limited time

Section 4th To declare war, grant letters of Marque and Reprieve and to regulate Captures

Section 5th To provide and maintain an Army and Navy and to make all laws and regulations necessary for their government

Section 6th To call out the militia, to execute the laws the suppress insurrections and repel invasions

Section 7th To make all laws which shall be

deemed necessary and proper to carry into effect the foregoing express grants of power and all other powers vested in the government of the Republic or in any officer or department thereof

Article 3^d

Section 1^a The executive authority of this government shall be vested in a chief Magistrate who shall be styled the President of the Republic of Texas

Section 2nd The first President elected by the people shall hold his office for the term of two years and shall be ineligible during the next succeeding term and all subsequent Presidents shall be elected for three years and be a like ineligible and in the event of a tie the house of Representatives shall determine the election between the two highest Candidates by a Viva Voce vote

Section 3^d The returns of the electors for President and Vice President shall be sealed up and transmitted to the Speaker of the house of Representatives by the holders of electors of each County; and the Speaker of the house of Representatives shall open and publish the returns in the presence of a majority of the house of Congress

Section 4^a No person shall be eligible to the office of President who shall not have attained the age of thirty five years shall be a Citizen of the Republic at the time of the adoption of this Constitution, or an inhabitant of this Republic at least three years immediately preceding his election

Section 5th. The President shall enter upon the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

Section 6th. The President ^{shall} at stated times receive a compensation for his services, which shall not be increased or diminished during his continuance in office, and before entering upon the duties of his office he shall take and subscribe the following oath or affirmation. I, A. B. President of the Republic of Texas do solemnly and sincerely swear (or affirm as the case may be) that I will faithfully execute the duties of my office, and to the best of my abilities, preserve, protect and defend the Constitution of the Republic.

Section 7th. He shall be Commander in Chief of the Army and Navy of the Republic and the Militia thereof, but he shall ^{not} command in person without the authority of a resolution of Congress. He shall have power to remit fines and forfeitures to grant reprieves and pardons except in cases of impeachment.

Section 8th. He shall with the advice and consent of two thirds of them of the Senate make treaties, and with the consent of the Senate appoint Ministers and Consuls and all officers whose offices are established by this Constitution or shall be established by law not herein otherwise provided for.

Section 9. The President shall have power to fill all vacancies that may happen during the recess of the Senate but he shall report the same to the Senate within ten days after the next Congress shall convene and should the Senate reject the same the President shall not re-nominate the same individual for the same office.

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Section 10th He shall from time to time give Congress information of the state of the Republic and recommend for their consideration such measures as he may deem necessary, He may upon extraordinary occasions convene both Houses or either of them, In the event of disagreement as to the time of adjournment he may adjourn them to such time as he may think proper. He shall receive all foreign Ministers, He shall see that the laws be faithfully executed, and shall commission all the officers of the Republic.

Section 11th There shall be a Seal of the Republic which shall be kept by the President and used by him officially, It shall be called the great Seal of the Republic of Texas.

Section 12th All grants and Commissions shall be in the name and by the authority of the Republic of Texas shall be sealed with the great seal and signed by the President.

Section 13th The President shall have power by and with the advice and consent of the Senate to appoint a Secretary of State and such other heads of Executive Departments as may be established by law, who shall remain in office during the term of service of the President, unless sooner removed by the President with the advice and consent of the Senate.

Section 14th Every Citizen of the Republic who has attained the age of twenty one years and shall have resided six months within the district or county where the election is held shall be entitled to vote for members of the General Congress.

Section 15th All elections, shall be by ballot unless Congress should otherwise direct.

Section 16 All elections by joint vote of both Houses of Congress shall be viva voce and each vote shall be entered on the Journals, and a majority of all the votes shall be necessary to a choice.

Section 17th A Vice President shall be chosen at every election for President in the same manner continue in office the same time and shall possess the same qualifications of the President.

In voting for President and Vice President the electors shall distinguish for whom they vote as President and for whom as Vice President

Section 18.^a In cases of impeachment removal from office, death, resignation or absence of the President from the Republic, the Vice President shall exercise the powers and discharge the ^{duties} of President until a successor be duly qualified or until the President who may be absent or impeached shall return or be acquitted

Section 19 The President Vice President and all Civil Officers of the Republic shall be removable from office by impeachment, for, and in conviction of Treason bribery or other high Crimes and Misdemeanors

Article 4.^a

Section 1.^a The Judicial power of the Government shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish; The Judges of the Superior and inferior Courts shall hold their offices for four years be eligible to reelection and shall at stated periods receive for their services a compensation which shall not be increased nor diminished during the period for which they ~~are~~ elected

Section 2.^d The Republic of Texas shall be divided into convenient Judicial districts not less than three nor more than eight; There shall be appointed for each district a Judge who shall reside in the same and hold his ^{Court} ~~term~~ at such times and places as Congress may by law direct

Section 3.^d In all admiralty and Maritime cases, in all cases affecting Ambassadors, public Ministers or Consuls; and in all Capital cases the district Courts shall ^{have} exclusive original

jurisdiction, and original jurisdiction in all ~~cases~~
 Civil Cases where the matter in Controversy
 amounts to One hundred dollars

Section 4th "The Judges by Virtue of Their Offices shall
 be Conservators of the Peace throughout
 the Republic. The Style of all process shall
 the Republic of Texas; and all ~~proceedings~~ shall be
 carried on in the name and by the authority of
 the same; and conclude against the peace and
 dignity of the Republic.

Section 5th There shall be a district attorney appointed
 for each district, whose duties, salaries,
 perquisites and terms of service shall ^{be fixed} by law

Section 6th The Clerks of the district Courts shall be
 elected by the qualified Voters for members of
 Congress in the County where the Courts are ~~held~~
 and shall hold their offices for four years, subject to
 removal by presentment of a Grand Jury and conviction
 of a Petit Jury

Section 7th The Supreme Court shall consist of a Chief
~~Judge~~ and associate Judges, the district
 Judges shall compose the associate Judges, a majority of
 whom with the Chief Justice shall constitute a quorum.

Section 8th The Supreme Court shall have appellate jurisdiction
 only, which shall be coextensive with the limits
 of the Republic, and shall hold its sessions annually at such
 times and places as may be fixed by law; provided,
 that no Judge shall sit on a case in the Supreme Court
 tried by him in the Court below

Section 9th The Judges of the Supreme and district
 Courts shall be elected by joint ballot
 of both houses of Congress

Section 10.th There shall be in each County a County Court
 And such Justices Courts as the Congress
 may from time to time establish

Section 11.th The Republic shall be divided into convenient
 Counties but no new County shall be established
 unless it be on the petition of one hundred free
 male inhabitants of the territory sought to be laid off
 and established; and unless the said territory shall
 contain nine hundred square miles

Section 12.th There shall be appointed for each County a
 convenient number of ^{one Sheriff one Coroner} Justices of the peace, and
 a sufficient number of Constables, who shall hold their
 offices for two years, to be elected by the qualified
 voters of the district or County as Congress may
 direct. Justices of the peace and Sheriffs shall be
 commissioned by the President

Section 13.th The Congress shall as early as practicable
 introduce by Statute the Common Law of
 England with such modifications as our circumstances
 in their judgement may require; and in all
 Criminal Cases the Common Law shall be the rule
 of decision

Article 3th

Section 1.st ~~The~~ Ministers of the Gospel ~~being~~
~~dedicated~~ by their profession dedicated
 to God and the care of souls ought not to be
 diverted from the great duties of their functions,
 therefore, no Minister of the Gospel or Priest of any
 denomination whatever shall be eligible to the office
 of the Executive of this Republic nor to a seat in
 either branch of the Congress of the same

Section 2.nd Each member of the Senate and
 House of Representatives shall
 before they proceed to business take

An oath to support this Constitution as follows.

I, A. B. do solemnly swear (or affirm as the case may be) that as a member of this General Congress I will support the Constitution of the Republic, and that I will not propose or assent to any bill, vote, or resolution which shall appear to me injurious to the people.

Section 3^d. Every person who shall be chosen or appointed to any office of trust or profit shall before entering upon the duties thereof take an oath to support the Constitution of the Republic, and also an oath of Office.

"no claim of eleven leagues of land or more shall be valid, and all
titles issued to any individual, under any pretence whatever, for more than
~~one~~ ^{and a half} leagues of land (Emigrants excepted) shall be null and void and of
no effect to all titles which may have been issued to any individual under
any pretence whatever, since the act of the late consultation closing
the land offices, shall be null void and of no effect. and in the future
adjustment of land titles, every settler in the actual occupancy of
~~the~~ land, not previously located by others in accordance with the
principles of ^{this} provision, shall ~~be~~ enjoy a preference over all other
persons. This convention, or the congress which may succeed it, will
make provision for carrying ^{this} ~~provision~~ ^{article} into effect, and no
legislative act or judicial decision shall ever be made in contravention
to the foregoing clause — 11

Attestation

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