

UNANIMOUS
DECLARATION OF INDEPENDENCE,

BY THE
DELEGATES OF THE PEOPLE OF TEXAS,

IN GENERAL CONVENTION, AT THE TOWN OF WASHINGTON, ON THE
SECOND DAY OF MARCH, 1836.

“When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guaranty for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression. When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted Federative Republic, composed of Sovereign States, to a consolidated Central Military despotism, in which every interest is disregarded but that of the army and the priesthood—both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet.

“When, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements; in such a crisis, the first law of nature—the right of self-preservation—the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

“Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken of sev-

ering our political connexion with the Mexican people, and assuming an independent attitude among the nations of the earth.

“The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

“In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

“It hath sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this, too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government; and have, in accordance with the provisions of the national constitution, presented to the General Congress a republican constitution, which was, without a just cause, contemptuously rejected.

“It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution, and the establishment of a state government.

“It has failed and refused to secure, on a firm basis, the right of trial by jury—that palladium of civil liberty, and only safe guaranty for the life, liberty and property of the citizen.

“It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain;) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

“It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

“It has dissolved, by force of arms, the state Congress of Coahuila and Texas, and obliged our representatives to fly for their

lives from the seat of government, thus depriving us of the fundamental political right of representation.

"It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

"It has made piratical attacks upon our commerce by commissioning foreign desperadoes, and authorizing them to seize our vessels and convey the property of our citizens to far-distant parts for confiscation.

"It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a National Religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

"It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

"It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

"It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

"It has been, during the whole time of our connexion with it; the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

"These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the National Constitution. We appealed to our Mexican brethren for assistance; our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are therefore forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self government.

"The necessity of self preservation, therefore, now decrees our eternal political separation.

"We therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and

DECLARE, that our political connexion with the Mexican nation has for ever ended, and that the people of Texas, do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

RICHARD ELLIS, *President.*

C. B. STEWART,	} <i>Austin.</i>	J. W. BUNTON,	} <i>Mina.</i>
THOMAS BARNETT,		T. J. GAZELEY,	
J. COLLINSWORTH,	} <i>Brazoria.</i>	R. M. COLEMAN,	} <i>Nacogdoches.</i>
EDWIN WALLER,		R. POTTER,	
ASA BRIGHAM,		T. J. RUSK,	
J. S. D. BYROM,		C. S. TAYLOR,	
FRANCISCO RUIS,	} <i>Bexar.</i>	J. S. ROBERTS,	} <i>Red River.</i>
ANTONIO NAVARO,		R. HAMILTON,	
JESSE B. BADGETT,	} <i>Colorado.</i>	C. MCKINNEE,	} <i>San Augustin.</i>
WM. D. LACY,		A. H. LATTIMER,	
WM. MENIFEE,	} <i>Sabine.</i>	M. PARMER,	} <i>Shelby.</i>
JAMES GAINES,		E. O. LEGRAND,	
W. CLARK, JR.	} <i>Gonzales.</i>	S. W. BLOUNT,	} <i>Refugio.</i>
JOHN FISHER,		S. O. PENNINGTON,	
M. CALDWELL,	} <i>Goliad.</i>	W. C. CRAWFORD,	} <i>San Patricio.</i>
WM. MOTLEY,		JAMES POWER,	
L. DE ZAVALA,	} <i>Harrisburgh.</i>	SAM. HOUSTON,	} <i>Washington.</i>
S. H. EVERITT,		DAVID THOMAS,	
GEO. W. SMITH,	} <i>Jasper.</i>	E. CONRAD,	} <i>Washington.</i>
ELIJAH STAPP,		JOHN TURNER,	
C. WEST,	} <i>Jackson</i>	B. B. GOODRICH,	} <i>Washington.</i>
W. B. SCATES,		G. W. BARNETT,	
M. B. MENARD,	} <i>Jefferson.</i>	J. G. SWISHER,	} <i>Washington.</i>
A. B. HARDIN,		JESSE GRIMES.	
B. HARDIMAN,	} <i>Liberty.</i>		
		} <i>Matagorda.</i>	

"CONSTITUTION OF THE REPUBLIC OF TEXAS.

"We, the people of Texas, in order to form a Government, establish justice, ensure domestic tranquillity, 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 I.

"SECTION 1. The powers of this Government shall be divided into three departments, viz.: Legislative, Executive, and Judicial, which shall remain for ever separate and distinct.

"SEC. 2. The Legislative power shall be vested in a Senate and House of Representatives, to be styled 'The Congress of the Republic of Texas.'

"SEC. 3. The members of the House of Representatives shall be chosen annually, on the first Monday of September each year, and shall assemble on the first Monday in November, until Congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

"SEC. 4. No person shall be eligible to a seat in the House of Representatives until he shall have attained the age of twenty-five years, shall be a citizen of the Republic, and shall have resided in the county or district six months next preceding his election.

"SEC. 5. The House of Representatives shall not consist of less than twenty-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.

"SEC. 6. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

"SEC. 7. The Senators shall be chosen by districts, as nearly equal in 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 the number of Representatives, and each district shall be entitled to one member and no more.

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

"SEC. 9. 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, the third class at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

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

"SEC. 11. The Senate shall choose all other officers of their body, and a President pro tempore, in the absence of the Vice President, or whenever 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.

"SEC. 12. 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 nevertheless be liable to indictment, trial, judgment and punishment, according to law.

"SEC. 13. Each House shall be the judge of the elections, qualifications and returns of its own members. Two thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members.

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

"SEC. 15. Senators and Representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation, or diminution, shall take effect during the session at which such increase or diminution shall have been made. They shall, except in case 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.

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

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

"SEC. 18. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two Houses may be sitting.

"SEC. 19. When vacancies happen in either House, the Executive shall issue writs of election to fill such vacancies.

"SEC. 20. No bill shall become a law until it shall have been read on three several days in each House, and passed by the same, unless, in cases of emergency, two thirds of the members of the House where the bill originated, shall deem it expedient to dispense with the rule.

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

"SEC. 22. The style of the laws of the Republic shall be, 'Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled.'

"SEC. 23. 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 may be created, or the profits of which shall be increased during his term of service.

"SEC. 24. No holder of public moneys, or collector thereof, shall be eligible to a seat in either House of Congress, until he shall have fully acquitted himself of all responsibility, and shall produce the proper officer's 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.

"SEC. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two thirds of each House concur in such appropriations.

"SEC. 26. 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 upon the journals of such House, and the 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 any act shall be disapproved by the President, the vote on the reconsideration shall be recorded by ayes and noes. 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 prevent its return within the time above specified by adjournment.

"SEC. 27. 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.

ARTICLE II.

"SEC. 1. Congress shall have power to levy and collect taxes and imposts, excise and tunnage duties, to borrow money on the faith, credit, and property of the Government, to pay the debts and to provide for the common defence and general welfare of the Republic.

"SEC. 2. To regulate commerce, to coin money, to 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.

"SEC. 3. To establish post-offices and post-roads, to grant charters of incorporation, patents, and copy-rights and secure to the authors and inventors the exclusive use thereof for a limited time.

"SEC. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

"SEC. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

"SEC. 6. To call out the militia to execute the law to suppress insurrections and repel invasion.

"SEC. 7. 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 III.

"SEC. 1. The Executive authority of this Government shall be vested in a chief magistrate, who shall be styled The President of the Republic of Texas.

"SEC. 2. 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 alike ineligible; and in the event of a tie, the House of Representatives shall determine between the two highest candidates by a viva voce vote.

"SEC. 3. The returns of the elections for President and Vice President shall be sealed up and transmitted to the Speaker of the House of Representatives, by the holders of elections of each county; and the Speaker of the House of Representatives shall open and publish the returns, in presence of a majority of each House of Congress.

ARTICLE IV.

"SEC. 1. The Judicial powers 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 supreme and inferior courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation not to be increased or diminished during the period for which they were elected.

"SEC. 2. 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 the courts at such times and places as Congress may by law direct.

"SEC. 3. 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 civil cases when the matter in controversy amounts to one hundred dollars.

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

"SEC. 5. There shall be a district attorney appointed for each district, whose duties, salary, perquisites, and term of service shall be fixed by law.

"SEC. 6. The clerks of the district courts shall be elected by the qualified voters for members of Congress in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

"SEC. 7. The Supreme Court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

"SEC. 8. The Supreme Court shall have appellate jurisdiction only, which shall be conclusive, within 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 in a case in the Supreme Court, tried by him in the court below.

"SEC. 9. The judges of the supreme and district courts shall be elected by joint ballot of both Houses of Congress.

"SEC. 10. There shall be in each county, a county court,

and such justices' courts as the Congress may, from time to time, establish.

"SEC. 11. The Republic shall be divided into convenient counties, but no new county shall be established, unless it be done 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.

"SEC. 12. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as Congress may direct. Justices of the peace and sheriffs shall be commissioned by the President.

"SEC. 13. The Congress shall, as early as practicable, introduce, by statute, the common law of England with such modifications as our circumstances, in their judgment, may require; and in all criminal cases the common law shall be the rule of decision.

ARTICLE V.

"SEC. 1. Ministers of the gospel being, 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 the Republic, nor to a seat in either branch of the Congress of the same.

"SEC. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath to support the 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.

"SEC. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the Constitution of the Republic, and also an oath of office.

ARTICLE VI.

"SEC. 1. 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.

"SEC. 2. The President shall enter on 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.

"SEC. 3. 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 ability preserve, protect, and defend the Constitution of the Republic.

"SEC. 4. 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, and to grant reprieves and pardons except in cases of impeachment.

"SEC. 5. He shall, with the advice and consent of two thirds 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, not herein otherwise provided for.

"SEC. 6. 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 to the same office.

"SEC. 7. 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 a 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.

"SEC. 8. 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.

"SEC. 9. 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.

"SEC. 10. 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.

"SEC. 11. 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.

"SEC. 12. All elections shall be by ballot, unless Congress shall otherwise direct.

"SEC. 13. All elections by joint vote of both Houses of Congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

"SEC. 14. A Vice President shall be chosen at every election for President, in the same manner, continue in office for 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.

SEC. 15. 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 the President until a successor be duly qualified, or until the President, who may be absent or impeached, shall return or be acquitted.

"SEC. 16. The President, Vice President, and all civil officers of the Republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

SCHEDULE.

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

SEC. 2. All fines, penalties, forfeitures, and escheats, which have accrued in Coahuila and Texas, or Texas, shall accrue to this Republic.

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