

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.

"SEC. 4. The first President and Vice President that shall be appointed after the adoption of this Constitution, shall be chosen by this Convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the Executive head of the Republic by this Constitution.

"SEC. 5. The President shall issue writs of election directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for President, Vice President, Representatives and Senators to Congress, at the time and mode prescribed by this Constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The President, Vice President, and members of Congress, when duly elected shall continue to discharge the duties of their respective offices for the time and manner prescribed by this Constitution, until their successors be duly qualified.

"SEC. 6. Until the first enumeration shall be made, as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria to two representatives; the precinct of Bexar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales one; Goliad one; Harrisburgh one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red river three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one; and Jackson one representative.

"SEC. 7. Until the first enumeration shall be made, as described by this Constitution, the Senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one Senator; San Patricio, Refugio and Goliad one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red river one; Shelby and Sabine one; Washington one; Matagorda, Jackson and Victoria one; Austin and Colorado one; San Augustine one; Milam one; Jasper and Jefferson one; and Liberty and Harrisburgh one Senator.

"SEC. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the Constitution.

#### GENERAL PROVISIONS.

"SEC. 1. Laws shall be made to exclude from office, from

the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

"SEC. 2. Returns of all elections for officers who are to be commissioned by the President, shall be made to the Secretary of State of this Republic.

"SEC. 3. The Presidents and heads of Departments shall keep their offices at the seat of Government, unless removed by the permission of Congress; or unless, in cases of emergency in the time of war, the public interest may require their removal.

"SEC. 4. The President shall make use of his private seal, until a seal of the Republic shall be provided.

"SEC. 5. It shall be the duty of Congress, as soon as circumstances will permit, to provide by law a general system of education.

"SEC. 6. All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship.

"SEC. 7. So soon as convenience will permit, there shall be a penal code formed, on principles of reformation, and not on vindictive justice; and the civil and criminal laws shall be revised, digested and arranged under different heads; and all laws relating to land titles shall be translated, revised and promulgated.

"SEC. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship, and such lands as they may hold in the Republic.

"SEC. 9. All persons of color, who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude, provided the said slave shall be the *bona fide* property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the Republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall Congress have power to emancipate slaves; nor shall any slaveholder be allowed to emancipate his or her slave or slaves, without the consent of Congress, unless he or she shall send his or her slave or slaves without the limits of the Republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the Republic, without the consent of Congress;

and the importation or admission of Africans or negroes into this Republic, excepting from the United States of America, is for ever prohibited, and declared to be piracy.

"SEC. 10. All persons, (Africans, the descendants of Africans and Indians excepted,) who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner:—Every head of a family shall be entitled to one league and "labor" of land; and every single man, of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have, previously to the adoption of this Constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and "labor," and one third of a league; unless by bargain, sale or exchange, they have transferred, or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the Republic: and, in such case, the person to whom such right shall have been transferred, shall be entitled to the same, as fully and amply as the person making the transfer might or could have been. No alien shall hold land in Texas, except by titles emanating directly from the government of this Republic. But if any citizen of this Republic should die intestate, or otherwise, his children or heirs shall inherit his estate; and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children, whose parents were entitled to land under the colonization law of Mexico, and who now reside in the Republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the Republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

"All orders of survey, legally obtained by any citizen of the Republic, from any legally-authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases, the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this Constitution; *Provided*, That nothing herein contained shall prejudice the rights of any citizen from whom a settler may hold land by rent or lease.

"And whereas, the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoy-

ment of their lands, is one of the great duties of this convention; and whereas, the legislature of Coahuila and Texas having passed an act, in the year eighteen hundred and thirty-four, in behalf of General John T. Mason, of New York; and another, on the fourteenth day of March, eighteen hundred and thirty-five, under which the enormous amount of eleven hundred leagues of land have been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the Republic, which said acts are contrary to articles fourth, twelfth and fifteenth of the laws of eighteen hundred and twenty-four, of the General Congress of Mexico; and one of said acts, for that cause, has, by said General Congress of Mexico, been declared null and void: It is hereby declared, that the said act of eighteen hundred and thirty-four, in favor of John T. Mason, and of the fourteenth of March, eighteen hundred and thirty-five, of the said Legislature of Coahuila and Texas, and each and every grant founded thereon is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts are hereby declared to be null and void; and all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void: and whereas, many surveys and titles to lands have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bejar, it is hereby declared, that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are and shall be null and void.

"And whereas, the present unsettled state of the country, and the general welfare of the people, demand that the operations of the land office and the whole land system shall be suspended, until persons serving in the army can have a fair and equal chance with those remaining at home to select and locate their lands, it is hereby declared, that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this convention, or some future congress of the Republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land office shall be established, where all the land titles of the Republic shall be registered, and the whole territory of the Republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the government, or any citizen, to ascertain with certainty the lands that are vacant, and those lands which may be covered by valid titles.

"SEC. 11. Any amendment or amendments to this Constitution, may be proposed in the House of Representatives or Senate; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the Congress then next to be chosen, and shall be published for three months previous to the election; and if the Congress next chosen as aforesaid shall pass said amendment or amendments by a vote of two thirds of all the members elected to each House, then it shall be the duty of said Congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the Congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of Congress voting thereon, such amendment or amendments shall become a part of this Constitution: *Provided, however,* that no amendment or amendments be referred to the people oftener than once in three years.

#### DECLARATION OF RIGHTS.

"This Declaration of Rights is declared to be a part of this Constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare, that everything in this bill of rights contained, and every other right not hereby delegated, is reserved to the People.

"First. All men, when they form a social compact, have equal rights; and no man or set of men are entitled to exclusive public privileges or emoluments from the community.

"Second. 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 an inalienable right to alter their government in such manner as they may think proper.

"Third. No preference shall be given by law to any religious denomination or mode of worship over another; but every person shall be permitted to worship God according to the dictates of his own conscience.

"Fourth. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

"Fifth. The People shall be secure in their persons, houses, papers and possessions, from all unreasonable searches or seizures; and no warrant shall issue to search any place, or seize any person or thing, without describing the place to be searched, or the person or thing to be seized, without probable cause, supported by oath or affirmation.

"Sixth. In all criminal prosecutions, the accused shall have the right of being heard, by himself, or counsel, or both. He shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury. He shall not be compelled to give evidence against himself, or be deprived of life, liberty or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia, when in actual service in time of war or public danger, or in cases of impeachment.

"Seventh. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

"Eighth. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this Republic. No person holding any office of profit or trust shall, without the consent of Congress, receive from any foreign state any present, office or emolument of any kind.

"Ninth. No person, for the same offence, shall be twice put in jeopardy of life or limbs; and the right of trial by jury shall remain inviolate.

"Tenth. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in case of rebellion or invasion the public safety may require it.

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

"Twelfth. No person shall be imprisoned for debt in consequence of inability to pay.

"Thirteenth. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

" Fourteenth. Every citizen shall have the right to bear arms in defence of himself and the Republic. The military shall at all times and in all cases be subordinate to the civil power.

" Fifteenth. The sure and certain defence of a free people is a well-regulated militia; and it shall be the duty of the Legislature to enact such laws as may be necessary to the organizing of the militia of this Republic.

" Sixteenth. Treason against this Republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex post facto law, or laws impairing the obligations of contracts, shall be made.

" Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailment ever be in force in this Republic.

" The foregoing constitution was unanimously adopted by the Delegates of Texas, in Convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic the first year.

" In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,

*President and Delegate from Red River.*

H. S. KIMBLE, *Secretary.*

C. B. Stewart,  
James Collinsworth,  
Edwin Waller,  
A. Brigham,  
William Menifee,  
John Fisher,  
Matthew Caldwell,  
William Motley,  
Lorenzo de Zavala,  
George W. Smyth,  
Stephen H. Everett,  
Elijah Stepp,  
Claiborne West,  
William B. Scates,  
M. B. Menard,  
A. B. Hardin,  
John W. Bunton,  
Thomas J. Gazley,  
R. M. Coleman,  
Sterling C. Robertson,

John S. D. Byrom,  
Francis Ruis,  
J. Antonio Navarro,  
William D. Lacy,  
James Powers,  
Samuel Houston,  
Edward Conrad,  
Martin Palmer,  
James Gaines,  
William Clark, Jun.,  
Sydney C. Pennington,  
Samuel P. Carson,  
Thomas J. Rusk,  
William C. Crawford,  
John Turner,  
Benjamin Briggs Goodrich,  
James G. Swisher,  
George W. Barnet,  
Jesse Grimes,  
E. O. Legrand,

George C. Childress,  
Baily Hardiman,  
Robert Potter,  
Charles Taylor,  
John S. Roberts,  
Robert Hamilton,  
Collin McKinney,  
A. H. Latimore,

David Thomas,  
S. Rhoads Fisher,  
John W. Bower,  
J. B. Woods,  
A. Briscoe,  
Thomas Barnett,  
Jesse B. Badgett,  
Stephen W. Blount.

" I do hereby certify that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

" Given under my hand, this 17th day of March, 1836.

" Attest:

H. S. KIMBLE,

*" Secretary of the Convention."*