

# 1836 Constitution of the Republic of Texas

*We, the people of Texas, in order to form a government, establish justice, insure 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 I.

*[The Legislative Branch]*

Section 1. The powers of this government shall be divided into three departments, viz: legislative, executive, and judicial, which shall remain forever 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, 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.

### **As amended by Amendment Article I:**

*"Every living soul having declared a domicile on the lands of Texas shall be a Texian Citizen sovereign possessing all rights, and responsibilities as described and sealed forever in the people's Declaration of Rights."*

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

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 congress after the adoption of this constitution, the senators shall be divided 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; 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 offense.

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 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.

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 representative 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.

### *[Congressional Powers]*

Section 1. 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 to provide for the common defence and general welfare.

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.

#### **As amended by Amendment Article V:**

“This People's access to and use of lawful money will not be denied.”

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

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

#### **As amended by Amendment Article IV:**

“Corporations, legal fictions, artificial entities, or similar creations domestic or foreign will not exist unless and until charters are granted by the House of Representatives for a defined purpose and specific duration.”

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

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.

### *[The Executive Branch]*

Section 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 public the returns in presence of a majority of each house of congress.

## ARTICLE IV.

### *[The Judicial Branch]*

Section 1. The judicial powers of the government shall be vested in one supreme court, and 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 authority 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, salaries, 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 sheriff 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.

### [Disqualifications]

Section 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.

**As Amended by Amendment Article 2.** "Except as provided in the 1836 Constitution each and every one elected or appointed to a government position, before entering into their duties, must take and subscribe the following oath or affirmation to wit: (state their full name) are you willing to take this Oath? (Proper answer is "I am willing")"

"I, (state your full name), do solemnly declare, by my own word and hand without reservation, to the People of Texas that I will faithfully execute the duties of the office of (title) and to the best of My abilities preserve, protect, defend, and obey, the constitution and the Laws of the republic of Texas, so help me Almighty God."

*Voted by ballot and passed on September 5th, 2007 by the Texian people.*

## ARTICLE VI.

*[Presidential Qualifications, Powers, and the Franchise]*

Section 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.

**As Amended by Amendment Article VI, Sec. 1:**

"Eligibility for the office of president of the republic of Texas includes having attained the age of thirty-five years, citizenship within the republic of Texas and domiciled within Texas for at least three years immediately preceding election to office."

*Voted by ballot and passed on September 5th, 2007 by the Texian people.*

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 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."

Sec. 4. He shall be commander-in-chief of the army and navy of the republic, and 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 renominate 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

Section 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 to 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, anything in this constitution to the contrary notwithstanding.

### **As amended by Amendment Article I:**

*“Every living soul having declared a domicile on the lands of Texas shall be a Texian Citizen sovereign possessing all rights, and responsibilities as described and sealed forever in the people's Declaration of Rights.”*

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

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; Milan 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

Section 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 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.

### **As amended by Amendment Article I:**

*“Every living soul having declared a domicile on the lands of Texas shall be a Texian Citizen sovereign possessing all rights, and responsibilities as described and sealed forever in the people's Declaration of Rights.”*

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

### **As amended by Amendment Article III:**

*Slavery, ownership of living souls, is prohibited in the republic of Texas.*

*Voted by ballot and passed September 5th, 2007 by the Texian people.*

Sec. 7. So soon as convenience will permit, there shall be a penal code formed on principles of reformation, and not of 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 forever prohibited, and declared to be piracy.

**As amended by Amendment Article I:**

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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 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 persons asking 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 laws 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 other 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 enjoyment 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 1834 in behalf of General John T. Mason, of New York, and another on the 14th day of March, 1835, under which the enormous amount of eleven hundred leagues of land has 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 1824 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 1834, in favor of John T. Mason, and of the 14th of March, 1835, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is and was from the very 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 may 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 Bexar, 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 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 government, or any citizen, to ascertain with certainty the lands that are vacant, and those lands which may be covered with valid titles.

**As amended by Amendment Article I:**

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*Voted by ballot and passed September 5th, 2007 by the Texian people.*

**As amended by Amendment Article III:**

*Slavery, ownership of living souls, is prohibited in the republic of Texas.*

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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 amendments 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.

1st. All men, when they form a social compact, have equal rights; and no men or set of men are entitled to exclusive public privileges or emoluments from the community.

2nd. 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.

3rd. 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.

4th. 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.

5th. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable searches and 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.

6th. 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.

7th. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

8th. 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.

9th. 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.

10th. 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 cases of rebellion or invasion the public safety may require it.

11th. 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 his lands, goods, person, or reputation shall have remedy by due course of law.

12th. No person shall be imprisoned for debt in consequence of inability to pay.

13th. No person's particular services shall be demanded, nor property taken or applied to public uses, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

14th. 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.

15th. 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

The foregoing constitution was unanimously adopted by the delegates of Texas, in convention assembled, at the town of Washington, on the 17th day of March, in the year of our Lord [1836], and of the independence of the republic the first year.

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS, *President*  
Albert H. S. Kimble, *Secretary*

necessary to the organizing of the militia of this republic.

16th. 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.

17th. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailments ever be in force in this republic.