



# **The Confederate Handbook**

By Curtis Patranella

## **About the Cover of “The Confederate Handbook”:**

The cover depicts the flags that have flown over the Confederacy of States since its inception. Also depicted is the great Thomas Jefferson, an Anti-Federalist, and architect of the Democratic Republic. Last, but not least, is the depiction of Jefferson Davis, an Anti-Federalist who, as President of the CSA, headed the fight for Southern Independence and the furtherance of what Thomas Jefferson helped craft.

## **From There to Here:**

In 1776 our Founding Fathers broke away from Tyranny and established a Democratic Republic among a Confederation of States. These States assembled together UNITED in a cause; UNITED in their resolve; UNITED in their desire for liberty; but remained independent and sovereign nevertheless. This is why the Declaration of Independence and the Constitution of the United States both listed the whole of the States as the “united States of America”. Notice the little “u” in “united”. That is because the Founding Fathers believed in State Sovereignty, and they (aside from the plans of the Hamiltonians) believed that the States should not be bound by a strong central government.

Over the next 84 years, constant battle raged between the Anti-Federalists (Jeffersonians) and the Federalists (Hamiltonians), finally coming to a head in 1860 when the South seceded from the Federal Union. At the very moment the South seceded the North ceased to be the “united States of America”, a collection of Sovereign States; and instead became the “United States of America”, a single nation under a strong central government.

The Federal Union then invaded and militarily conquered the Confederate States of America, conscripting her against her will as a part of the Federalist’s vision of America. To this day, the Federal Union has continued to grow unabated in its power and has stripped away the liberty of the individual, and the Sovereignty of the States.

It is the contention of “The Confederate Handbook” that the Confederate States of America (CSA) is, and has been, a Sovereign Nation held in occupation by the Federal Union of the United States of America. Furthermore, it is the contention of “The Confederate Handbook” that the CSA is an extension of the country founded in 1776, and that the Federal Union of the United States of America has grown into what men like Thomas Jefferson fought to free themselves from.

## **Presidents of the Confederation of the united States of America:**

The following is a list of all of the Presidents that served under the country of our Founding Fathers.

## **Under the Articles of Confederation:**

Samuel Huntington Thomas McKean John Hanson Elias Boudinot

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Thomas Mifflin Richard Henry Lee John Hancock Nathaniel Gorham Arthur St. Clair Cyrus Griffin

## **Under the Constitution of the united States of America:**

George Washington John Adams Thomas Jefferson James Madison James Monroe John Quincy Adams  
Andrew Jackson Martin Van Buren William Henry Harrison John Tyler James Polk Zachary Taylor Millard  
Fillmore Franklin Pierce James Buchanan

## **Under the Constitution of the Confederate States of America:**

Jefferson Davis

**Note:** Abraham Lincoln would be the first President of the Federal Union of the United States of America.

“I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.”--  
Thomas Jefferson

## Save America Help restore the Democratic Republic of our Forefathers

### The Problem:

In 1776, American colonists tired of the abuses of a tyrannical government, cast off British Rule and formed a Democratic Republic founded on Natural Law and Liberty.

From that first Independence Day, America has not only faced forces from outside her borders intent on bringing the Democratic Republic to an end, but forces from the inside as well. It has been long stated that if America falls, it will fall from the inside.

Today we sit on the precipice of our Democratic Republic's doom, and many do not even realize how far things have changed from America's early imagining. Some of those changes have been subtle... some have not.

Here is a brief summary of the issues at hand:

1. Since 1861 the Federal Government has steadily and dramatically grown in power, overshadowing both State and Individual Rights.
2. Contrary to the specifically enumerated powers given each branch of government, each branch has overstepped their boundaries via loopholes, twisting of the Constitution, outright bullying, and the lack of diligent watchfulness by the people.
3. Guaranteed liberties are being stripped away under various guises, such as the "War on Terror", "Homeland Security", and "Political Correctness".
4. American sovereignty is being handed over to a North American Union.
5. America is being dictated to by the UN and World Federalists.
6. The Constitution is being treated as a "living document" in which the words and intent change to comply with whatever is popular at the time.
7. God, tradition, moral values, and the very essence of being a man and a woman are being cast out under the title "Diversity" and "Political Correctness".
8. We, especially our children, have become an overly medicated society sanctioned and promoted by an education system that does not seek to educate... but indoctrinate.
9. Our elected "representatives" are not the citizen-statesmen they were intended to be; nor do they represent us. They are self-serving opportunists that seek only the golden calf at the base of the mountain.
10. Our property is being stolen by the very government that was to protect our "Life, Liberty, and the Pursuit of Happiness".

You may be wondering... "What can be done? Is it all gloom and doom?" The answer is simple: "Yes, something can be done. There is hope."

### The Solution:

We have what may be the last, best, hope for our Democratic Republic. For you to embrace this idea, you have to understand a few simple concepts.

- 1 The Founding Fathers intended a Confederation of States; hence the first Constitution being the "Articles of Confederation".
- 2 In 1861, the American South, tired of the abuses of a tyrannical government, cast off Federal Rule and continued the Democratic Republic founded in 1776.
- 3 In 1865, the Confederate States of America was militarily defeated; however the Government never surrendered and no peace treaty was ever signed.
- 4 The US Government ousted the rightfully elected State Governments in the South and instated puppet governments in their place.
- 5 The US Government militarily occupied the CSA for 12 years after the War for Southern Independence.
- 6 The rightfully elected Government of the CSA and the occupied States eventually died off.

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At this point you may be thinking “Okay... I follow you, but what does that have to do with here and now?”

### **Simple:**

The Confederate States of America is a Nation under occupation by the Federal Government of the United States. The current State governments and Constitutions in each of the Confederate States were illegally put in place under coercion; therefore they are null and void.

How do we fix it?

- 1 In order to strike a treaty and deal with an occupying nation you must have government representatives.
- 2 With all of the rightfully elected government now dead you must reseal the government.
- 3 In order to reseal the government you must hold elections.
- 4 In order to hold elections you must have citizens.

Therefore the solution is clear... we must assert our Confederate Citizenship and re-staff the CSA Government and each of the State Governments under the last legitimate Constitution in place in each area. The re-staffed government can then negotiate with the occupying Nation for a cease of hostilities and removal from our Nation. The CSA and the sovereign States contained therein will then be able to continue the Democratic Republic of our forefathers.

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### **The Founding of the Confederacy:**

Our Confederacy was founded in 1776 when American colonists grew tired of the abuses of a tyrannical government and asserted their God-given right to liberty. The colonists put their very lives on the line by issuing the Declaration of Independence.

The Declaration of Independence not only listed the grievances that the colonials had with their government, but it established the intention of the forefathers for our Constitutional Republic.

From the Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, **Governments are instituted among Men, deriving their just powers from the consent of the governed,** — **That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government,** laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

It was the belief of the founders of our nation that when the governed are under the rule of a government that they find offensive “it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.”

The Founding Fathers gave to us a great gift, and built a nation upon the foundation of liberty, and of Man’s God-given right of self-government.

These men of wisdom knew that Mankind, as a whole, are generally unwilling to do what is right as the Declaration of Independence notes: “All experience hath shewn that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”

Often we find we are complacent and choose not to “rock the boat” out of fear of confrontation, controversy, and ill-placed loyalty. But as Thomas Jefferson so aptly put it “All tyranny needs to gain a foothold is for people of good conscience to remain silent.”

The Founding Fathers realized a great truth, which was summed up by Thomas Jefferson when he said “One man with courage is a majority.” These great men then forged ahead, establishing our Constitutional Republic.

In 1781, our first Constitution, called “The Articles of Confederation”, was put in place; establishing the basis of our Confederate government. The Articles of Confederation further asserted the aims and desires of the Founding Fathers, and their vision of what our country was supposed to be.

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By reading the first three Articles in The Articles of Confederation, you can plainly see that our Founding Fathers wanted to insure State sovereignty and the right of the people to self-government.

From The Articles of Confederation: ARTICLE I The Stile of **this Confederacy** shall be "The United States of America".

ARTICLE II **Each state retains its sovereignty**, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III **The said States hereby severally enter into a firm league of friendship with each other**, for their common defense, the security of their liberties, and their mutual and general welfare, **binding themselves to assist each other, against all force offered to, or attacks made upon** them, or any of them, on account of religion, **sovereignty**, trade, or any other pretense whatever.

In 1787 a Constitutional Convention was called to amend The Articles of Confederation, adding a bill of rights; however, Federalist took this opportunity to propose a "rewrite" putting forth a new Constitution. A great and heated debate ensued, but compromise took place and the Constitution of the United States of America was born.

Anti-Federalists, such as Thomas Jefferson, Patrick Henry, Thomas Paine, George Mason, George Clinton, and Luther Martin were outraged by the fact that a Bill of Rights had not been included. Because of this "oversight", several of these men (such as George Mason) refused to sign the Constitution until a Bill of Rights was added. Thomas Jefferson aptly summed up the sentiments of the Anti-Federalists by stating "A Bill of Rights is what the people are entitled to against every government, and what no just government should refuse, or rest on inference."

George Mason then began a draft of a Bill of Rights which included the rights of the people to cast off their government and form a new one. James Madison (a Federalist) took Mason's draft, and a draft of his own which stated "the people have an indubitable, unalienable, and inalienable right to reform or change their Government, whenever it be found adverse or inadequate to the purposes of its institution."

Madison's draft was put before committee for debate. In the end, 10 of Madison's 12 proposals became the Bill of Rights. Unfortunately, it was assumed that the Ninth and Tenth amendment covered the sentiments that the people have a right to cast off their government, and so that specific wording was not adopted. However, many State Constitutions did, in fact, include specific wording very close to the sentiments expressed by George Mason and James Madison.

Ninth Amendment to the Constitution of the United States: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

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Tenth Amendment to the Constitution of the United States:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Abraham Lincoln himself, prior to the war, made a statement sharing the sentiments of the Founding Fathers when he said “Any people anywhere, being inclined and having the power, have the right to rise up, and shake off the existing government, and form a new one that suits them better. This is a most valuable - a most sacred right - a right, which we hope and believe, is to liberate the world.”

If only Lincoln had truly stood behind what he publicly stated, the “Civil War” would never have occurred.

## **Oppression of the South, and Secession:**

The popular perception of history is that the “Civil War” was fought over slavery, and while slavery played a role in the Economic and Political reasons that “The War Between The States” occurred, it is far from being THE reason. In fact, there were many reasons why the South seceded, among them are the following.

1        Unfair taxation: The South relied almost solely on agriculture, and their main customers were England and France. The South traded with Europe in exchange for necessary goods. The North decided to impose heavy tariffs on items traded to the South to force the South to sell their goods to the North and trade with the North. The North then turned around and sold the South’s goods to Europe for added profit, as the same tariffs and taxes were not applied to the North. This went against the Constitution in that taxes were to be equal throughout the United States.

2        The banking industry was structured so that the South had to pay higher interest rates in order to bail out Northern banks that were in financial difficulties due to various “panics” that occurred.

3        The North began to gain enormous political power, and was using that power to try and put a stranglehold on the South politically.

4        The central power of the Federal Government continued to grow which overshadowed States Rights.

5        Slavery was seen as an Economic necessity to many in the South, and the North wanted to put limits on, or eliminate, slavery as they (the North) were industrialized. Ironically, the Northern industries used “sweatshop” employment methods and child labor to produce their goods.

6        The Northern vision of “Manifest Destiny” and a desire to expand, conquer, and bring “America” to all parts of the world went against the Southern vision of “Manifest Destiny” and their belief in the sovereignty of the independent State and a neutral stance in world politics. The North wanted to expand with emphasis on Federalist principles, the South wanted to expand on Anti-Federalist principles. Arguments between the North and South over States entering the Union as Slave

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or Free went beyond Slavery, as each “free” state that was brought in unbalanced the political power in favor of the North.

1 Sectionalism further caused problems between the North and South as each side looked at their interests over the interests of the United States as a whole.

2 The South, with good reason, believed that their lifestyle, beliefs, rights, and current and future prosperity were in jeopardy.

The South then decided to secede. You may think that the South had no right to do that. You are VERY, VERY wrong as you can see by reading the article found at (<http://www.lewrockwell.com/ostrowski/ostrowski31.html>). Not only did the South have a right to secede, but the Union’s attack upon the South was an illegal action.

Ironically, Abraham Lincoln made this statement: “Allow the president to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose - and you allow him to make war at pleasure.” How prophetic.

### Lincoln the Tyrant:

Most of us have learned a Reconstructionist history discussing Lincoln as being a great emancipator who was on an honorable mission to preserve the Union. The reality is that Lincoln was a liar, a criminal, a conqueror, and a tyrant, as shall be affirmed by the information that follows:

From Lincoln’s Inaugural Address: “I take the official oath to-day with no mental reservations and **with no purpose to construe the Constitution or laws by any hypercritical rules**; and while I do not choose now to specify particular acts of Congress as proper to be enforced, I do suggest that it will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed than to violate any of them trusting to find impunity in **having them held to be unconstitutional.**”

### Abuses of Power by Abraham Lincoln:

1 Coercion of the Southern States to surrender in violation of Article 4 of the US Constitution.

2 Subverting several States (particularly Missouri, Kentucky, and Maryland), by coercion and force, their right to vote for secession.

3 Violation of the international Laws of Neutrality\* when he attempted to arrest Confederates on a diplomatic mission to England aboard a British ship (The Trent Affair). England threatened war if the US did not apologize. The men were released, the US apologized, and Lincoln gave a medal to the Captain that arrested the men.

\*The War of 1812 was fought in part over England doing the same thing to US diplomats.

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- 1 He imprisoned over 38,000 northerners (including Judges that did not rule as he wanted) with a suspension of the Writ of Habeas Corpus in violation of Article 1, Section 9 Clause 2 of the US Constitution.
- 2 Closing courts by military force where there were no hostilities.
- 3 He made West Virginia a State in violation of Article 4, Section 3 Clause 1 of the US Constitution.
- 4 He declared war without the consent of Congress in violation of Article 1, Section 8 Clause 11.
- 5 Raising troops without the approval of Congress and expending funds without appropriation in violation of Article 1, Section 8 Clause 12.
- 6 He denied first amendment rights in the Vallandigham Imprisonment (an Ohio politician arrested for speaking for alternatives to war).
- 7 He blockaded ports while asserting that the States were still a part of the Union.
- 8 He denied first amendment rights to most media sources, imprisoning those that questioned Lincoln's actions or showed sympathy for the Confederacy.
- 9 Confiscation of property in the South without legal proceedings.
- 10 The issuance of the Emancipation Proclamation as an executive order exceeding his authority.
- 11 The arrest of the Chief Justice of the Supreme Court because of his opinion in the case of *Ex parte Merryman*.
- 12 Lincoln overruled the court decision of *Ex parte Merryman*.
- 13 He enforced "reserved powers" in violation of Article 1 Section 9 Clause 3.

From Lincoln's Inaugural Address: "Those who nominated and elected me did so with full knowledge that I had made this and many similar declarations and had never recanted them; and more than this, they placed in the platform for my acceptance, and as a law to themselves and to me, the clear and emphatic resolution which I now read:

*Resolved, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depend; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter what pretext, as among the gravest of crimes.*

I now reiterate these sentiments, and in doing so I only press upon the public attention the most conclusive evidence of which the case is susceptible that the property, peace, and security of no section are to be in any wise endangered by the now incoming Administration."

Clearly Lincoln lied to the populace about his true intentions; like when he said "Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties." Unfortunately, President Lincoln stomped upon the Constitution every chance he had.

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### **The End of the War of Southern Independence:**

The South lost the war militarily, however, the Confederacy continues as a nation under occupation of the Federal Union. "How so?" you may ask. The following are but a few of the reasons:

- 1 General Lee surrendered his ARMY to Grant. Other armies surrendered as well, however the Government of the Confederacy NEVER surrendered.
- 2 The Government of the Confederacy either fled to Europe or Canada, or was captured by the Union. President Jefferson Davis was captured and held for two years by the Union, but NEVER surrendered the CSA.
- 3 The Union was planning on trying Davis for Treason, and Davis wanted them to, because he knew that the Supreme Court of the time would rule that the South had the right to secede and that Davis was a patriot not a traitor. The Union knew this too and eventually let Davis go.
- 4 The Union went to the Southern States and at gunpoint ordered the elected governments out and instated those loyal to the Union. They then forced the South to write and adapt new Constitutions. Furthermore, the Union only allowed those who would swear loyalty to the Union to vote. Additionally, the Union sent Northerners down to run political offices and to "taint" the voting pool.
- 5 The Union held the South under Military occupation for 12 years until they insured that they had the South under control. The entire time Constitutional amendments and various laws were getting rammed through to increase the power of the Federal Government.

Here is a quote by Jefferson Davis while addressing the Mississippi Legislature 16 years after the war was over: "The contest is not over, the strife is not ended. It has only entered upon a new and enlarged arena."

Does this sound like a man who has surrendered? Does this sound like a man who has given up the fight? President Davis knew exactly what he was doing; knowing that at some point in the future, the citizens of the South could pick up the torch and carry on the Confederacy and the Constitutional Republic of our forefathers.

### **Oppression of the South during Reconstruction:**

Following the War of Northern Aggression came a second war against the South... Reconstruction.

The following is a list of some of the atrocities perpetuated upon the South during Reconstruction:

- 1 The Federal Government of the Union sent troops to the State Houses of each Confederate State and forcibly removed the rightfully elected government from office.
- 2 The Union forced electors and government officials to swear allegiance to the Federal Union before they were allowed to vote or run for office.

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- 1 Those who were active in the Confederacy were not allowed to vote or run for office.
- 2 The Union put in place new State Constitutions, illegally overriding the Constitutions of 1861 put in place by the people of those States.
- 3 The Union put former Slaves in office while denying many white citizens the right to vote or run for office. This was done with the intent of causing racial tensions, and as punishment for secession. These tensions were perpetuated in order for the North to influence the black vote, prolong the necessity for restrictive laws and Northern intervention, and to place Union officials in a greater position of power over the affairs of the South.
- 4 The Union illegally formed a “Satellite Government” for each of the States, often placing scallywags and transported Northerners in office.
- 5 The Union militarily occupied the South for over 12 years.
- 6 Amendments and Laws were illegally put in place governing the Confederate States without the consent of those States.
- 7 The Confederate States were not given a voice in the Government for almost the entirety of the Union Military occupation.
- 8 All of these events occurred despite the statement in an 1861 Congressional Resolution “that this war is not waged on our part in any spirit of oppression, nor for the purpose of conquest or subjugation, nor for the purpose of interfering with or overthrowing the rights of established institutions of those States.”
- 9 The Union went to great efforts to “punish” the South for Seceding; and it was the belief of Congress that the Confederate States had forfeited all claim to protection or appeal to the Constitution, and that they were conquered provinces.

Consider this for a moment... “Conquered provinces”; how can a State be a part of the Union as Lincoln asserted during the War, yet be a conquered province after the war? It seems by Congress’ own admission, the Confederate States of America was a Sovereign Nation, and the Union invaded that nation and was (and is) an occupying force in its land.

### **The Changed Face of the Government:**

The United States of America, and the government founded by our forefathers that existed prior to 1861 was not the same government that existed after 1861. The central government began to increase in power with the coming of Abraham Lincoln, and has continued to grow unabated in all the decades that have followed.

The Confederate States of America tried to continue along the path laid down by our Founding Fathers, while the Union split off into a path of a strong, central, totalitarian form of government.

A few examples of the “altered” Government:

- 1 The passage of the 14<sup>th</sup> amendment to the Constitution.
- 2 The passage of the 16<sup>th</sup> amendment to the Constitution so that the Unconstitutional Income Tax could be put in force.
- 3 The 18<sup>th</sup> amendment to the Constitution (which was later repealed).

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1 The 23<sup>rd</sup> amendment to the Constitution which goes against the founding principal of having a separate seat of government.

2 FDR's "New Deal".

3 Lyndon Johnson's "Great Society".

4 The Voting Rights Act, which singles out the South, forcing them to have Federal Approval over their polls, ballots, election rules, and districting in violation of State's Rights.

5 The establishment of various Federal Institutions, including the Department of Education, which infringes upon State's Rights.

### **Where does that leave us today?**

The South is still a under occupation by the Union and the ever expanding beast called the Federal Government. Let us examine the current state of things under Union Rule:

1 Not only do we have to pay Income Tax, but we are having our property stolen from us in the name of eminent domain.

2 Religion is being removed from every sector of our lives.

3 Political Correctness is poisoning every aspect of our lives and robbing us of our freedom.

4 The Government has intervned on behalf of your ability to raise your children.

5 The Government controls the marketplace, education, the media, and is working on controlling the internet. As most tyrants know, and Abraham Lincoln so aptly put it, "The philosophy of the school room in one generation will be the philosophy of government in the next."

6 Our borders are bleeding with Illegal immigrants that are destroying our sovereignty, identity, and culture.

7 We are seeking a new Federalist vision of Manifest Destiny to bring "Democracy" and "American Values" to the rest of the world.

8 Our privacy and freedoms are being eroded in the name of "National Security".

9 Our tax dollars are being used to fund the murder of the unborn, although it was Thomas Jefferson's belief that "The care of human life and happiness, and not their destruction, is the first and only object of good government"; and that "To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

10 Our right to keep and bear arms is under constant attack, despite Thomas Jefferson's assertion that "No free man shall ever be debarred the use of arms."

11 The Federal Government keeps doing everything in the name of Democracy, when, as Thomas Jefferson put it, "A democracy is nothing more than mob rule, where fifty-one percent of the people may take away the rights of the other forty-nine." Our Confederacy was founded on the principals of a Constitutional Republic, to which Thomas Jefferson aptly stated "All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression."

12 Our lifestyle, beliefs, rights, and current and future prosperity are in jeopardy.

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You see, the dream of our forefathers is seriously at risk, and the greatness of the Constitutional Republic that they founded is all but a shadow. If we have any chance at all to salvage what was put in place when the colonists seceded from Britain is to embrace the Confederacy that seceded from the Union, which is currently under occupation, and assist it in gaining liberty once more.

Do not be timid men, for (as Thomas Jefferson stated) “Timid men prefer the calm of despotism to the tempestuous sea of liberty.” We must not be afraid to face the challenge before us to free ourselves from occupation. As Thomas Jefferson wisely noted “When the people fear their government, there is tyranny; when the government fears the people, there is liberty.”

For too long we as a people have tried in vain to fix the problems that exists within the Federal Beast. We must now console ourselves in the knowledge that we cannot fix the beast; we must be rid of it. Our Confederate Fathers set the stage for us when they seceded; we need only to work toward re-establishing the rightful government of the Confederate States of America, removing the occupying force of the Federal Union. We do not seek to overthrow that which exists in Washington, DC. We seek our Independence and liberty, and then, as Jefferson Davis stated “All we ask is to be let alone”.

Jefferson Davis once said after the War for Southern Independence had militarily come to an end, “The principle for which we contend is bound to reassert itself, though it may be at another time and in another form.” The Principle remains, we are reasserting our rights, and the time is now... Join us in our fight to claim our independence so that we may have the life, liberty, and pursuit of happiness the Founding Fathers dreamed of and God, in his mercy, granted; we must only stand up and claim it.

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### **References and Further Reading:**

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## **The Birth of Slavery in the New World**

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It was common practice in the early days of Colonization of the New World for the wealthy to sponsor the poor for passage to the New World. In exchange for passage, the poor would become an indentured servant for a limited amount of time (usually 2 to 7 years).

After their term of service, an indentured servant would receive their freedom and a modest plot of land to call their own.

Anthony Johnson came to Jamestown in 1619 as an indentured servant; and within 4 years, he worked off his debt and settled down with his wife as a land owner. By 1651, Anthony Johnson became wealthy enough to sponsor 5 individuals for passage to the New World. The sponsorship not only garnered Anthony workers, but also increased his land holdings by 250 acres in headrights.

Unlike his contemporaries, Anthony Johnson put a twist in the normal sponsorship, when he outright purchased one of his wards (an African) as a slave.

Within a year or two, John Casor (the slave) pleaded with a local farmer (Robert Parker) to save him. Casor stated that Anthony Johnson had sponsored him as an indentured servant and that he had worked off his debt, but Mr. Johnson refused to release him.

Outraged, Robert Parker took John Casor under his wing. Anthony took Parker to court. After a year and a half court battle, the English Court had to make a ruling on something they never had before... whether a man could possess another man as chattel.

In 1654, the decision was rendered, and the court ruled that *“seriously consideringe and maturely weighing the premisses, doe fynde that the saide Mr. Robert Parker most unjustly keepeth the said Negro from Anthony Johnson his master....It is therefore the Judgement of the Court and ordered That the said John Casor Negro forthwith returne unto the service of the said master Anthony Johnson, And that mr. Robert Parker make payment of all charges in the suit.”*.

John Casor had become the first ever slave of the New World Colonies.

The People of Jamestown, and elsewhere, began to see the benefit and cost savings of purchasing Africans outright for a life of servitude, as opposed to sponsoring freemen for a limited duration, and slavery was underway in force.

The above story is not spectacular, nor does it give rise to gasps of shock or surprise; what should surprise and shock you however is this...

Anthony Johnson, the man responsible for slavery in the New World was not named Anthony Johnson; that was the name he adopted upon arriving in the New World. Anthony Johnson signed on as an indentured servant under the name “Antonio, a Negro”. You see, slavery was birthed in the New World by a black man from Africa.

I am sure that this accomplishment will not be the subject of a Black History Month special.

## Debunking Myths The Myth That The “Civil War” was about Slavery

By Curtis Patranella There are many myths surrounding the Confederate States of America and the “Civil War”. For example, the terms “Civil War” and “War Between the States” are both an incorrect title to give the war as you shall soon realize.

A Civil War is when two factions are fighting for control over the government. The Confederacy had no desire to control Washington, DC. The CSA was a Nation fighting for its Independence FROM Washington, DC.

A War between States would exist if, for example, Kansas were to be at war with Missouri. The Nation of the Confederate States of America was at war with the Nation of the United States of America. Clearly the war was not between States.

You may be wondering, “What should I call that war?” well, the answer is actually quite simple. Considering the Confederacy was fighting for Independence, an apt title would be “The War for Southern Independence”. Secondly, the North illegally invaded and attacked the South for seceding; therefore “The War of Northern Aggression” would be an apt title as well.

The next thing you may be thinking is, “The War was over Independence? I thought the War was about Slavery?” That is a common myth perpetuated by the Union from the time of Lincoln’s “Emancipation Proclamation” to this very day.

As you have most likely suffered from a Reconstructionist’s view of history, you may find it hard to believe that the war was not about Slavery. However, Abraham Lincoln’s own words should go a long way to making my point:

“If there be those who would not save the Union, unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. **My paramount objective in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that.** What I do about slavery and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union.”

You may then counter with “Ah ha! Even if the war was not about Slavery, it was about ‘preserving the Union’”; however, you would be wrong. Lincoln was not trying to “save the Union”; Lincoln was trying to save his tax base as you will soon see.

The Confederacy seceded from the Union for many reasons political, religious, philosophical, cultural, historical, and economic. Discussion of Slavery played a role in those areas of debate, but in order for you to put everything in perspective, you have to understand the issues that led to secession, and ultimately war. I will be briefly summarizing the areas of contention below, before settling on what was probably the biggest reason the South seceded... Economics:

# **Debunking Myths The Myth That The “Civil War” was about Slavery**

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## **Historical and Cultural Differences:**

Those who settled in the North were primarily of English and Danish decent. Those that settled in the South were primarily of French, Scottish, and Irish decent. As you know, the English and the Danes had a long history of animosity with the French, the Scottish, and the Irish. That animosity continued during the settling of the United States.

The North has always been more “progressive” in terms of culture, while the South has always been more conservative.

There were, and still are, vast differences in cuisine, music, slang, etc.

## **Political and Philosophical Differences:**

The North held a Federalists (Alexander Hamilton) view of government while the South held an Anti-federalist (Thomas Jefferson) view of government. The power of the Federal Beast was growing, much to the dismay of the South.

## **Religious Differences:**

The North was primarily of a liberal theological belief; and Unitarianism thrived within the populace. The South was primarily of a conservative theological belief, and Unitarianism was primarily rejected.

## **The Economic Issues that Lead to Secession:**

Here is where we get to the crux of what pushed the South over the edge; just like our forefathers in 1776.

There are a few facts you should know before we proceed in order for you to keep everything in perspective.

In 1861 the population of the North was about 20 million, while the population of the South was about 9 million.

The South had an agrarian economy which relied heavily on exports to Europe. The North, however, was heavily industrialized. Comparatively, the South only produced about 10% of all manufactured goods. Regardless of these facts, if the South of 1860 was assessed as its own Nation, it would have been the 4<sup>th</sup> wealthiest Nation in the world with Southern exports accounting for over 70% of all exports from the United States up to the time of Secession.

## **Tariffs:**

Tariffs were in effect since the inception of the US Constitution of 1787; however they did not begin in earnest until after the War of 1812. The North had a “Protectionists” attitude when it came to tariffs which contradicted the South’s desire for “Free Trade”. With the South being the chief exporter of goods, high tariffs hurt them the most.

## **Debunking Myths The Myth That The “Civil War” was about Slavery**

By Curtis Patranella A tariff enacted in 1816 of 25 cent per yard of cheap cotton cloth (a major export of the South) was used to shelter New England mills from English competition by making Southern cotton so expensive to buy that it virtually removed it from the American marketplace.

The fierce opposition of New England shipping interests and Southern plantations led to the Tariff of 1828, called the “Tariff of Abominations”, which almost caused the South to secede at that time. The Tariff of 1828 forced the South to buy manufactured goods at inflated prices, while at the same time facing reduced income due to the loss of sale of raw goods.

In late 1832, South Carolina attempted a protest by enacting an Ordinance of Nullification stating that the States had a right to nullify a Federal law that the State found aberrant. The Order essentially made null the Tariffs imposed in 1828 and 1832.

President Andrew Jackson responded by sending seven naval vessels and a man-of-war to Charleston. He then issued a proclamation against the nullifiers stating they “stood on the brink of insurrection and treason”. President Jackson then appealed to the citizens to reassert their allegiance to the Union. Congress then passed a “Force Bill” authorizing the President to take whatever action he deemed fit to enforce the law.

The situation was defused in early 1833 by Senator Henry Clay (a protectionists and rival of Jackson’s, and who would serve as a mentor to Abraham Lincoln) who pushed through a compromise measure. The compromise stated that the Tariffs would be steadily reduced over the course of 10 years to the level of the 1816 Tariff.

The conflict in 1832 and 1833 showed the South that they did not have to put up with the Federal Government, which planted the seed of secession.

In 1857 the biggest of many “Panics” occurred when Ohio Life Insurance and Trust Co. collapsed due to embezzlement. On top of this event, there was a series of other setbacks, including British investors removing money from the US Banks, the fall of grain prices, Russia’s re-entry into the global markets after the Crimean War, the stockpiling of manufactured goods causing layoffs, and widespread railroad failures; all of which contributed to severe economic setbacks which primarily impacted the North.

In 1857 a new, lower tariff was put in place to allow the South better income, however, the North then instituted higher interest rates on the South; essentially burdening the South with the task of pulling the North from its economic problems. Tensions between the North and South began to increase dramatically.

By 1860, the South was paying 87% of all tariffs, 83% of federal fishing bounties paid to New England fishermen; as well as payments totaling \$35 million to Northern shippers who had a monopoly on shipping from Southern ports. The South was essentially paying all of the bills.

## **Debunking Myths The Myth That The “Civil War” was about Slavery**

By Curtis Patranella In 1860, the final straw was placed on the camel's back... the Republican Lincoln was elected President. Among the Republican platform was a call for higher tariffs; which was enacted as the Morris Tariff in 1861, signed by President Buchanan prior to Lincoln taking the oath of office.

The Morris Tariff was the highest tariff in US history, imposing a 50% duty on iron, 25% on clothing, with other rates averaging about 47%.

The Tariff was imposed in March of 1861, and the South seceded by April of 1861.

Was the war about slavery or economic tyranny? You do the math.

References and Further Reading:

[www.wikipedia.com](http://www.wikipedia.com) [www.answers.com](http://www.answers.com)

[www.encyclopedia.com](http://www.encyclopedia.com)

Encyclopedia Britannica

[www.nps.gov](http://www.nps.gov)

## Debunking Myths The Myth That Lincoln was the “Great Emancipator”

By Curtis Patranella

Most of us have suffered with a Re-constructionists’ education, therefore we have all been taught to believe that Abraham Lincoln was the “Great Emancipator” that “saved the Union” and freed the slaves. The reality is that Lincoln had little concern with freeing slaves, and no desire to bring about their equality.

Lincoln believed that Blacks were an inferior race to Whites, and his desire was to deport all Blacks to another land, as is shown from this quote from a speech he gave in 1857:

“Let us be brought to believe **it is morally right, and**, at the same time, **favorable to**, or, at least, not against, **our interest, to transfer the African to his native clime**, and we shall find a way to do it, however great the task may be.”

During the famous Lincoln – Douglas Debates, Lincoln had this to say: “**I have no purpose** directly or indirectly **to interfere with the institution of slavery** in the states where it exists. I believe I have no lawful right to do so, and **I have no inclination to do so.**”

He further went on to say: “**I will say then that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races**; I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people.”

Upon Lincoln’s election, the South seceded and Lincoln, realizing he was losing his tax base, sent troops to the South. He did not do this to free slaves as he stated in his inaugural address “**My paramount objective in this struggle is to save the Union, and is not either to save or to destroy slavery.**”

As the War of Northern Aggression progressed and the Union suffered more and more losses, and foreign public opinion was strongly favoring the Confederacy, Lincoln knew he had to change popular opinion. Lincoln knew he had to change the politics of the war before England and/or France openly supported the Confederacy; and so he put forth the Emancipation Proclamation (the text of which is included at the end of this essay).

The Emancipation Proclamation did in fact shift the view of England and France, as they did not want to be perceived as supporting slavery, even though the Emancipation Proclamation did not free a single slave.

The Emancipation Proclamation only stated to free the slaves in States that had seceded, leaving alone slavery as it existed in Union States. Furthermore, the Emancipation Proclamation exempted the sections of the Confederacy that had come under Northern control. What freedoms it did promise depended entirely upon the military victory of the Union. These very facts prompted Secretary of State Seward to remark “We show our sympathy with slavery by emancipating slaves where we cannot reach them and holding them in bondage where we can set them free.”

## Debunking Myths The Myth That Lincoln was the “Great Emancipator”

By Curtis Patranella

As President, Lincoln favored a constitutional amendment authorizing the purchase and deportation of slaves, and he urged the State Department to look into possible areas of settlement outside the United States.

During Lincoln’s Second Address to Congress he stated the following: “I cannot make it better known than it already is that I strongly favor colonization. In this view, I recommend the adoption of the following resolution and articles amendatory to the Constitution of the United States ... **“Congress may appropriate money, and otherwise provide, for colonizing free colored persons, with their consent, at any place or places without the United States.”**”

“Applications have been made to me by many free Americans of African descent to favor their emigration, with a view to such colonization as was contemplated in recent acts of Congress ... Several of the Spanish American republics have protested against the sending of such colonies [settlers] to their respective territories ... Liberia and Haiti are, as yet, the only countries to which colonists of African descent from here could go with certainty of being received and adopted as citizens...”

“Their old masters will gladly give them wages at least until new laborers can be procured; and the freedmen, in turn, will gladly give their labor for the wages, till new homes can be found for them, in congenial climes, and with people of their own blood and race.”

Toward the end of the War, shortly before his death, Abraham Lincoln spoke to General Benjamin F. Butler stating “But what shall we do with the Negroes after they are free? I can hardly believe that the South and North can live in peace; unless we can **get rid of the Negroes...** I believe that it would be better to **export them all** to some fertile country with a good climate, which they could have to themselves.”

Was Lincoln “The Great Emancipator”? No, titles which more aptly fit are “The Great Deporter” or “The Great Despot”. The only thing Lincoln truly emancipated was Tyranny.

Judge Andrew Napolitano summed it up succinctly when he was on “The Big Story with John Gibson”... He described Lincoln as the worst president in history from a Constitutional viewpoint and suggested that if Lincoln truly was for ending slavery, he could have bought all the slaves for \$500,000 and freed them, thereby saving \$3 billion and 620,000 lives.

### **The Emancipation Proclamation:**

By the President of the United States of America (*Abraham Lincoln*):

A Proclamation.

## Debunking Myths The Myth That Lincoln was the “Great Emancipator”

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Whereas, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, **all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free**; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.”

“That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the Parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin, and Orleans, including the City of New Orleans) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth[)], **and which excepted parts, are for the present, left precisely as if this proclamation were not issued.**

And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

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And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defense; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of January, in the year of our Lord one thousand eight hundred and sixty three, and of the Independence of the United States of America the eighty-seventh.

By the President: ABRAHAM LINCOLN   WILLIAM H.  
SEWARD, Secretary of State.

## **Recognition of the Confederate States of America by the Vatican**

### **Letter to the Pope from Jefferson Davis:**

"RICHMOND, September 23, 1863.

VERY VENERABLE SOVEREIGN PONTIFF The letters which you have written to the clergy of New Orleans and New York have been communicated to me, and I have read with emotion the deep grief therein expressed for the ruin and devastation caused by the war which is now being waged by the United States against the States and people which have selected me as their President, and your orders to your clergy to exhort the people to peace and charity. I am deeply sensible of the Christian charity which has impelled you to this reiterated appeal to the clergy. It is for this reason that I feel it my duty to express personally, and in the name of the Confederate States, our gratitude for such sentiments of Christian good feeling and love, and to assure Your Holiness that the people, threatened even on their own hearths with the most cruel oppression and terrible carnage, is desirous now, as it has always been, to see the end of this impious war; that we have ever addressed prayers to Heaven for that issue which Your Holiness now desires; that we desire none of our enemy's possessions, but that we fight merely to resist the devastation of our country and the shedding of our best blood, and to force them to let us live in peace under the protection of our own institutions, and under our laws, which not only insure to every one the enjoyment of his temporal rights, but also the free exercise of his religion. I pray Your Holiness to accept, on the part of myself and the people of the Confederate States, our sincere thanks for your efforts in favor of peace. May the Lord preserve the days of Your Holiness, and keep you under His divine protection. (Signed) " JEFFERSON DAVIS.

### **The Pope's reply:**

ILLUSTRIOUS AND HONORABLE PRESIDENT, salutation: We have just received with all suitable welcome the persons sent by you to place in our hands your letter, dated 23d of September last. Not slight was the pleasure we experienced when we learned, from those persons and the letter, with what feelings of joy and gratitude you were animated, illustrious and honorable President, as soon as you were informed of our letters to our venerable brother John, Archbishop of New York, and John, Archbishop of New Orleans, dated the 18th of October of last year, and in which we have with all our strength excited and exhorted those venerable brothers that, in their Episcopal piety and solicitude, they should endeavor, with the most ardent zeal, and in our name, to bring about the end of the fatal civil war which has broken out in those countries, in order that the American people may obtain peace and concord, and dwell charitably together. It is particularly agreeable to us to see that you, illustrious and honorable President, and your people, are animated with the same desires of peace and tranquility which we have in our letters inculcated upon our venerable brothers. May it please God at the same time to make the other peoples of America and their rulers, reflecting seriously how terrible is civil war, and what calamities it engenders, listen to the inspirations of a calmer spirit, and adopt resolutely the part of peace. As for us, we

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shall not cease to offer up the most fervent prayers to God Almighty, that He may pour out upon all the people of America the spirit of peace and charity, and that He will stop the great evils which afflict them. We, at the same time, beseech the God of pity to shed abroad upon you the light of His grace, and attach you to us by a perfect friendship. "Given at Rome, at St. Peter's, the 3d of December, 1863, of our Pontificate 18 (Signed) ". Pius IX.

From the book, *A Memoir of Jefferson Davis* in two volumes, completed by his wife Varina Davis after his death.

## **A Nation Under Occupation**

By Curtis Patranella

Part of the claims of the Confederate Movement is that the Confederacy is a Nation under occupation by the United States Government; in reality it is more than a simple belief, and is actually a legitimate fact. Not only is it a fact that the CSA is a Nation under occupation, but it is a fact that the current State Governments in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, and Texas were illegally put in place.

General Robert E. Lee surrendered his military forces at Appomattox on April 7<sup>th</sup>, 1865; however, this was only a surrender of Lee's army, not the Government of the Confederate States of America. Most of the CSA Government officials either fled to Europe or Canada; however President Jefferson Davis was captured and held for two years by the Union. NEVER during the entire time of Davis' imprisonment did he surrender the government to the Union. NEVER at any point in time did any member of the Government sign a treaty with the Union, nor did they ever surrender the Government of the CSA.

The Union did in fact go to the State Houses of Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, and Texas and at gunpoint ordered the elected governments out of office and instated a puppet government loyal to the Union.

### **From the Reconstruction Act of 39<sup>th</sup> Congress:**

*"From Section 1: ...said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district*

*Section 2: That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned."*

The South remained under military occupation for 12 years, to insure that the puppet government that was instated would remain in force. The military did not allow any of the rightful government to participate, nor did they allow any Confederate to vote or participate in their own government. Furthermore, the Union forced the Confederate States to create a new Constitution, not of the will of the people, but constructed of the will of the Union.

### **From Section 5 of the Reconstruction Act of 39<sup>th</sup> Congress:**

*"That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one*

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By Curtis Patranella

*years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law...*

Not only did the scallywags, carpetbaggers, and Union military get to dictate what was in the Constitution, it had to pass the approval of the Congress. When does a State Constitution EVER have to be approved by the Federal Government, especially one controlled by the South-hating Radical Republicans under Thaddeus Stevens?

### **From Section 5 of the Reconstruction Act of 39<sup>th</sup> Congress:**

*"...and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: Provided, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention."*

Not only did the Congress need to approve the Constitutions, but the States had to be forced to approve the illegal 14<sup>th</sup> Amendment to the US Constitution before the puppet government was even allowed representation in the Federal Government.

Adding insult to injury, aside from disallowing most anyone who actually represented the south from participating in elections, government office, or the construction of a Constitution, the Union forced those who did participate to swear an Oath that they would not only abide by everything the US Government wanted, they would "encourage" others to do so as well.

### **From the Supplementary Reconstruction Act of the 40<sup>th</sup> Congress:**

From Section 1: (An Oath)

*"...I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support*

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*the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God”*

The Confederates were NOT in insurrection against the United States, nor were they in rebellion. The Confederacy was enacting their rights allowed by Natural Law, the intentions of the Founding Fathers, the Ninth and Tenth Amendments to the US Constitution, and their own State Constitutions to alter, abolish, or reform their government as the people deem necessary. The Confederacy has (and had) NO desire to overthrow the United States, they wish to be separate from them, free to continue the Constitutional Republic established by the likes of Thomas Jefferson, George Washington, and George Mason.

The Union did not see it that way, as they then went on to allow the military to dictate the time, place, and manner of holding elections... an enumerated power given EXCLUSIVELY to the Congress. It is UNCONSTITUTIONAL, by virtue of the US, Confederate, and State Constitutions, to allow the military to set the time, place, and manner of elections... therefore, the elections were invalid.

### **From Section 2 of the Supplementary Reconstruction Act of the 40<sup>th</sup> Congress:**

*“...That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such state loyal to the Union...”*

Not only did the military set the set the time, place, and manner of elections... they were the registrars, overseers, and qualifiers of the returns. Each of these functions goes against the Constitution of not only the United States, but the individual States, and the CSA as well.

### **From Section 4 of the Supplementary Reconstruction Act of the 40<sup>th</sup> Congress:**

*“...That **the commanding general of each district shall appoint as many boards of registration as may be necessary**, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; **and upon receiving said returns he shall open the same, ascertain the persons elected as delegates** according to the returns of the officers who conducted said election, and make proclamation thereof...”*

*...said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which is it supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general...”*

## A Nation Under Occupation

By Curtis Patranella

The Southern States were not given representation by the puppet government in Congress until they abided by the whim of the Union.

### **From Section 5 of the Supplementary Reconstruction Act of the 40<sup>th</sup> Congress:**

*“...if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.”*

The Union took it upon itself to declare ILLEGAL the rightfully elected governments of the various Southern States, and their rightfully instituted Constitutions null and void. The Union declared that the South would remain under the authority of the US Congress. NO STATE shall EVER be under the authority of Congress... The House and Senate shall represent the people and the States respectively.

### **From the Supplementary Reconstruction Act of July 19<sup>th</sup>, 1867:**

From Section 1:

*“...the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were **to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.**”*

The Congress illegally gave the Union military the power to remove anyone from office (elected or otherwise) that they so desired, to be replaced by whomever they chose. Therefore, the puppet State governments was, and is, at the mercy of the manipulations of the Union.

### **Section 2 of the Supplementary Reconstruction Act of July 19<sup>th</sup>, 1867:**

*“That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, **to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof,** or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, **shall have power to provide** from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by **the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.**”*

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After 12 years of coercion, conditioning, and military occupation, the States were allowed to participate in the Federal Union under the helm of puppet governments instated by the same. To this day the South has to follow different rules, and is held under tighter restrictions than the rest of the States in the Union. It is time we wake up and educate the masses. WE ARE a Nation under occupation, and the Federal Union has been naming the tune to which we dance, and we are most certainly dancing with the devil.

## Endless Reconstruction

By Curtis Patranella

The Congress passed various acts with the intent of clamping down on the south. Most of these acts showed a blatant disregard for the rights of the States, and of the State's Constitutions.

The Force Acts were early attempts at Civil Rights legislation; and while noble in the attempt to guarantee the rights of all Men the right to vote, the legislation sought, subversively, to increase the power and scope of the Federal Government in utter disregard for the States.

Be mindful that NOWHERE in ANY of the Constitutions of the United States, the Confederate States, or any individual State does it say that the Constitution can be suspended for the purpose of noble deeds, good intentions, in times of war, or otherwise.

### **Force Act of 1870:**

The stated purpose of the Force Act was *"To enforce the Right of Citizens of the United States to vote in the several States of this Union, and for other Purposes."*

Note the term "and for other Purposes". The attempt here by the Radical Republican, Thaddeus Stevens controlled Congress is to use the Force Act to not only insure the rights of everyone to vote, but to allow the Federal Government to inflict its controls under the umbrella of "other purposes". In fact, the Force Act went on to declare that it had the power over ANY Constitution or law of ANY State or Territory; or as it specifically stated "...any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding."

Furthermore, the Force Act allowed itself to be enforced by military might, contrary to every State Constitution which specifically states that the military shall at all times be subordinate to the civil authority.

### **Section 13:**

*"And be it further enacted, that it shall be lawful for the President of the United States to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to aid in the execution of judicial process issued under this act."*

The Force Act of 1871 was then passed as a supplement to the Act of 1870 expanding the President's ability to strong arm the States not only with military might, but "by any means he deemed necessary".

### **Force Act of 1871: Section 3:**

*"That in all cases where insurrection, domestic violence, unlawful combinations, or conspiracies in any State shall so obstruct or hinder the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by this act, and the constituted authorities of such State shall either be unable to protect, or shall, from any cause, fail in or refuse protection of the people in such rights,*

## Endless Reconstruction

By Curtis Patranella

*such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy shall oppose or obstruct the laws of the United States or the due execution thereof, or impede or obstruct the due course of justice under the same, **it shall be lawful: for the President, and it shall be his duty to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations; and any person who shall be arrested under the provisions of this and the preceding section shall be delivered to the marshal of the proper district, to be dealt with according to law.**"*

Essentially, if the Federal Government felt that the States were not promoting the rules in the manner the Feds thought proper, the President could use the Military or "any other means deemed necessary" to override the States.

Later in 1871 Congress passed the Civil Rights Act with wording very similar to the Force Act, in fact Section 3 of the Civil Rights Act was word for word Section 3 of the Force Act of 1871. The wording in the Civil Rights Act gave the President the same "power" to enforce the law in utter disregard of the States.

Even though portions of these acts were deemed unconstitutional in 1882, they have been cited in civil rights cases to the present day, including the Rodney King Case.

Further increasing the dictatorial power of the Federal Government, Congress passed the Civil Rights Act of 1875 which attempted to go beyond insuring Voting Rights, to dictate Trade, Conduct, and the right to Congregate.

The Civil Rights Act of 1875 promised that all persons, regardless of race, color, or previous condition of servitude, were entitled to full and equal employment of accommodation in "inns, public conveyances on land or water, theaters, and other places of public amusement." In 1883 the Supreme Court ruled the Act unconstitutional on the grounds that Congress did not have the power to regulate the conduct and transactions of individuals.

The Civil Rights Act of 1875 was the last Civil Rights legislation to be passed until 1957, the passage of which kick started a second Reconstruction on the South that lasts to this day.

## Wrath of the Radical Republicans

By Curtis Patranella

**A Congressional Resolution of 1861 Declared** "... that this war is not prosecuted upon our part in any spirit of oppression, nor for the purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States, ... and to preserve the Union, with all the dignity, equality, and rights of the several states unimpaired; that as soon as these objects are accomplished the war ought to cease."

**At the War's end Congress Declared** (via Thaddeus Stevens' speech of 1865) the following (the complete speech is below, the emphasis added (bold type) is mine):

"The President assumes, what no one doubts, that **the late rebel States** have lost their constitutional relations to the Union, and **are incapable of representation in Congress**, except by permission of the Government. **It matters but little**, with this admission, **whether you call them States** out of the Union, and now **conquered territories**, or assert that because the Constitution forbids them to do what they did do, that they are therefore only dead as to all national and political action, and will remain so **until the Government shall breathe into them the breath of life anew** and permit them to occupy their former position. In other words, that **they are not out of the Union, but are only dead carcasses lying within the Union**. In either case, it is very plain that **it requires the action of Congress to enable them to form a State government** and send representatives to Congress. **Nobody, I believe, pretends that with their old constitutions and frames of government they can be permitted to claim their old rights under the Constitution**. They have torn their constitutional States into atoms, and built on their foundations fabrics of a totally different character. **Dead men cannot raise themselves. Dead States cannot restore their existence** "as it was." Whose especial duty is it to do it? In whom does the Constitution place the power? Not in the judicial branch of Government, for it only adjudicates and does not prescribe laws. Not in the Executive, for he only executes and cannot make laws. Not in the Commander-in-Chief of the armies, for he can only hold them under military rule until the sovereign legislative power of the conqueror shall give them law. **Unless the law of nations is a dead letter, the late war between two acknowledged belligerents severed their original compacts and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new states or remain as conquered provinces.**  
Congress . . . is the only power that can act in the matter.

Congress alone can do it. . . . **Congress must create States and declare when they are entitled to be represented**. Then each House must judge whether the members presenting themselves from a recognized State possess the requisite qualifications of age, residence, and citizenship; and whether the election and returns are according to law.

It is obvious from all this that **the first duty of Congress is to pass a law declaring the condition of these outside or defunct States, and providing proper civil governments for them**. Since the conquest they have been governed by martial law. Military rule is necessarily despotic, and ought not to exist longer than is absolutely necessary. As **there are no symptoms that the people of these provinces will be prepared to participate in constitutional government for some years**, I know of no arrangement so proper for them

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*as territorial governments. There **they can** learn the principles of freedom and **eat the fruit of foul rebellion**. Under such governments, while electing members to the territorial Legislatures, they will necessarily mingle with those to whom Congress shall extend the right of suffrage. In Territories Congress fixes the qualifications of electors; and I know of no better place nor better occasion for the conquered rebels and the conqueror to practice justice to all men, and accustom themselves to make and obey equal laws. .*

***They ought never to be recognized as capable of acting in the Union, or of being counted as valid States, until the Constitution shall have been so amended as to make it what its framers intended; and so as to secure perpetual ascendancy to the party of the Union; and so as to render our republican Government firm and stable forever. The first of those amendments is to change the basis of representation among the States from Federal numbers to actual voters. . . . With the basis unchanged the 83 Southern members, with the Democrats that will in the best times be elected from the North, will always give a majority in Congress and in the Electoral college. . . . I need not depict the ruin that would follow. . .***

*But this is not all that we ought to do before inveterate rebels are invited to participate in our legislation. We have turned, or are about to turn, loose four million slaves without a hut to shelter them or a cent in their pockets. The infernal laws of slavery have prevented them from acquiring an education, understanding the common laws of contract, or of managing the ordinary business of life. This Congress is bound to provide for them until they can take care of themselves. If we do not furnish them with homesteads, and hedge them around with protective laws; if we leave them to the legislation of their late masters, we had better have left them in bondage.*

*If we fail in this great duty now, when we have the power, we shall deserve and receive the execration of history and of all future ages."*

What followed was the removal of the rightfully elected Southern governments and the institution of satellite governments, 12 years of military occupation and rule, Reconstruction Acts, Force Acts, Civil Rights legislation, Affirmative Action, increased Federal Power, and unlawfully adopted amendments to the United States Constitution.

When people ask me, "Are you suggesting that we have been duped into accepting and participating in a false government; do you really believe educated Men can fall for this?" I emphatically say "Yes!"

Not only have educated Men fallen for this, but they refuse to accept it regardless of the evidence presented them. These Men fear change. They fear going against a lie they perceived as truth their whole life. They follow Einstein's definition of insanity by doing the same thing over and over again while expecting a different result (i.e. elect Democrats, then Republicans, maybe an "independent", then back to Democrats, etc.). They hate Congress, but love their Congressman. They would sink with a ship rather than admit it is taking on water. There is a word for these Men... they're called "Sheep".

## The Flag of Many Colors

By Curtis Patranella

It is the modern day perception that the Confederacy was comprised of a bunch of slave owning, racist, uneducated, hillbilly white boys. The reality of it is this... The Confederacy was comprised of Whites, Hispanics, Indians, Jews, and Blacks. That's right, Blacks were a part of the Confederacy too... and not only, as some of you may assume, in the capacity of slave.

In 1861 the CSA formalized relations with "The Five Tribes" that were settled in what is now the State of Oklahoma. The Five Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) were official members of the CSA and were to have Oklahoma as their own sovereign state, with its own Constitution written by them. Additionally, the Indians were to be treated as a Confederate Citizen with the right to purchase, hold, and freely travel the lands of the CSA.

Here is an excerpt from the 1861 CSA Cherokee Treaty: "***The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Cherokee Nation never to desert or to abandon it, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Cherokees from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.***"

*"It is hereby further agreed by the Confederate States that all the members of the Cherokee Nation, as hereinafter defined, shall be henceforward competent to take, hold, and pass, by purchased or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them."*

The 5 red stars represent the 5

Roughly 65,000 Blacks served as Jefferson Davis seeking a goal of The Blacks that served were and free. The free Blacks were soldiers and were entitled to the Blacks in the Union army. In even commented



Tribes

Confederate Soldiers, with enlisting up to 300,000. comprised of both slave paid the same as White same benefits, unlike fact, Frederick Douglas

*"There are at the present moment many Colored men in the Confederate Army doing duty not only as cooks, servants and laborers, but real soldiers, having musket on their shoulders, and bullets in their pockets, ready to shoot down any loyal troops and do all that soldiers may do to destroy the Federal government and build up that of the rebels."*

## The Flag of Many Colors

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Furthermore, Frederick Douglas gave a warning to Abraham Lincoln that if he could not capture slaves and then guarantee them freedom and land bounties “they would take up arms for the rebels.”

**Note:** The first military Capital to honor a Black Confederate Monument in Cemetery. The monument soldier giving his child to a protection.

A Black Confederate Veteran

More than 13,000 Hispanics of the Confederacy, as did

The next time someone tells Confederate Flag is a symbol gently remind them of the colors, all creeds, and all fought under that flag. You fought for liberty and to Democratic Republic of our remind them that the Flag of many colors: Red,



monument in the US soldier is the Arlington National also depicts a White Black woman for

fought on the side over 3000 Jews.

you that the of racism; you can efforts of Men of all walks of life that can tell them that they preserve the forefathers. You can Confederate Flag is a White, and Blue.

# **Government Derives Its Power From the People**

By Curtis Patranella

Many people argue about the right of secession, and about what the concept of speaking out against our government says about our patriotism. I can safely say this... it is our duty to maintain the Constitutional Republic that our Founding Fathers established and God, in his mercy, granted. If we cannot maintain it, then we must re-establish it.

The Founder's knew that Government was a necessary evil that the people should be able to control, alter, abolish, or reform whenever necessary. That is why it was written into so many State Constitutions.

Here are excerpts from various Southern State Constitutions:

## **Virginia Constitution of 1776:**

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

## **Maryland Constitution of 1776:**

THE parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the Colonies in all cases whatsoever, and, in pursuance of Rich claim, endeavoured, by force of arms, to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent States, and to assume government under the authority of the people; Therefore we, the Delegates of Maryland, in free and full Convention assembled, taking into our most serious consideration the best means of establishing a good Constitution in this State, for the sure foundation and more permanent security thereof, declare,

I. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

IV. That all persons invested with the legislative or executive powers of government are the trustees of the public, and, as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old or establish a new government. The doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

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## **Texas Constitution of 1845:**

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit and they have at all times the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient; and, therefore, no government or authority can exist or exercise power within the State of Texas, without the consent of the people thereof previously given; nor after that consent be withdrawn.

## **Tennessee Constitution of 1796:**

That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

## **South Carolina Constitution of 1776:**

Some mode should be established by common consent, and for the good of the people, the origin and end of all governments, for regulating the internal polity of this colony.

## **North Carolina Constitution of 1776:**

All political power is vested in and derived from the people only.

## **Alabama Constitution of 1819:**

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

## **Georgia Constitution of 1777:**

We, therefore, the representatives of the people, from whom all power originates, and for whose benefit all government is intended, by virtue of the power delegated to us, do ordain and declare, and it IS hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State:

## **Florida Constitution of 1838:**

That all political power is inherent in the people, and all free governments are founded on their authority, and established for their benefit; and, therefore, they have, at all times, an inalienable and indefeasible right to alter or abolish their form of government, in such manner as they may deem expedient.

## **Kentucky Constitution:**

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times the inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

## **Government Derives Its Power From the People**

By Curtis Patranella

### **Missouri Constitution:**

That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

After reading these excerpts, how can anyone misunderstand the Founding Fathers' intent? As a matter of fact, similar wording was almost put in as a specific right within the Bill of Rights, but the Founding Fathers gave us some credit for intelligence, believing the Ninth and Tenth Amendments to the US Constitution spelled it out clearly enough. Unfortunately, the Founding Fathers gave us TOO MUCH credit for intelligence, because very few people have an understanding of the people's inherent right to alter, reform, or abolish their government in such manner as they may deem proper. In fact, the people allow the Federal Government to increase the scope and power of government on an almost daily basis believing they have no ability, right, or responsibility to do anything about it.

The Federal Government has twisted almost every word in the Constitution for the purpose of increasing their power, limiting the voice of the people, and stomping on State's Rights. They do it in the name of the Commerce Clause, or the General Welfare Clause, or misinterpretations of what the words in the Constitution really mean. All the while we sit around like a bunch of sheep with a big, stupid smile on our face, waiting in line to be sheered.

# **What a Government Should Be**

By Curtis Patranella

Every Conservative and every Confederate should hold at the very base of their political ideology the belief in limited government and fiscal responsibility. Our government's foundation should be based on liberty, independence, and an acknowledgment of God. Our laws should be based on justice, logic, reason, and time tested tradition. Our values should be rooted in tradition, morality, virtue, dignity, and honor. We as a people should adhere to wisdom, duty, responsibility, accountability, independence, kindness, and a code of conduct. We as Men should put God and Family above anything else in our lives.

From this perspective, I would like to lay out what I truly believe should be the Ideal government. The Ideal government, in my belief, is Jeffersonian in nature, with Libertarian flair in its lawmaking and economic policies; and a neutral stance in world affairs. Good government should be formed and maintained under the guidelines listed below:

## **The Role of Government:**

The Government is a necessary evil that exists solely for the following purposes:

- 1 To prevent Anarchy.
- 2 To establish and insure Justice.
- 3 To insure domestic Tranquility.
- 4 To defend the people against all enemies foreign and domestic.
- 5 To insure and protect Liberty.
- 6 To promote the Welfare of the people.
- 7 To serve the Will of the People.

## **The Power of the Government:**

The Government derives its power from the citizenry and the Citizenry has the right to reform, alter, or abolish their government, and to establish another, in such a manner as shall be most conducive to the public welfare. This right should be guaranteed in any Constitution and enforced by the People.

## **The Form of Government:**

The best form of Government is the Representative Democracy (also known as Democratic Republicanism). A Constitutional Republic that protects individual liberty is the best defense against the tyranny of the majority.

## **The Composition of Government:**

The Government should be comprised in such a manner that there exists a checks and balance to help prevent tyranny. No single person or body should hold supreme power within the government.

## **The Policy of Government:**

- 1 The Government should never mandate or regulate the political or religious conscience of the populace. Freedom of thought should always prevail.
- 2 Freedom of speech and the press are vital to prevent tyranny over the people by the Government.

## **What a Government Should Be**

By Curtis Patranella

- 1 An armed citizenry is the best defense against a tyrannical government.
- 2 The government should fear the people; the people should never fear the government.
- 3 In times of peace, there should be no more than a limited standing army as is necessary to defend the country, its citizens, holdings, and interests.
- 4 The military is at all times subordinate to the civil authorities.
- 5 All votes of the legislature, all laws and ordinances, all government regulations, all government proceedings, all trials, and all government financial matters that do not reasonably require secrecy should be a matter of public record for scrutiny by the citizenry.
- 6 The Government should never become involved in foreign entanglements; and should remain neutral in world affairs unless the country, its citizens, holdings, or interests are under threat or attack.
- 7 The Government should have a Laissez Faire economic policy; and should never regulate or interfere with commerce beyond the minimum necessary to insure the citizenry are protected and not abused. Capitalism and a free market should be guaranteed.
- 8 It is not the Government's place to establish morality. Morality is something that should be taught not legislated.
- 9 To make every reasonable effort to write laws that are lucid, concise, and easily understandable.
- 10 To refrain from legislative indulgence, and only create laws when absolutely necessary, remembering the goal and purpose of the government as outlined in the Constitution.
- 11 Most laws and ordinances should have an expiration date so that they must be reviewed from time to time. The maximum effective date of most laws should never exceed 20 years.
- 12 To insure that all laws that are put in place lists a clear definition of its function and purpose, a clear definition of what constitutes an offense against the law, a statute of limitations for being held accountable for an offense against the law, and a range of allowable penalties for committing an offense against the law.
- 13 To create and maintain a balanced budget and to remain financially responsible.

Any country that builds a government based upon these guidelines, truly will be building a government of the people, by the people, for the people.

## George Washington was NOT our first President

By Curtis Patranella

If you were to ask just about anyone in the entire world who the first President of the United States of America was, if they were able to answer at all, 99% of them would most likely say “George Washington”. This, however, is not exactly true. George Washington was actually the 11<sup>th</sup> President of the United States.

Most everyone reading this are probably either scratching their heads or shaking their heads with a smirk of disbelief... however, please indulge me long enough to make my case.

In 1774 the Continental Congress was formed so that the British Colonies could speak with a common voice about the “Intolerable Acts” (a series of laws established by British Parliament in response to “uprisings” and unrest in the Colonies). The First Continental Congress convened from September 5<sup>th</sup>, 1774 to October 26<sup>th</sup>, 1774.

The first major success of the First Continental Congress was the establishment of “The Articles of Association” which formed a compact between the colonies and provided for boycotts and other economic hardships for Britain. The second major success was the establishment and formation of the Second Continental Congress.

The Second Continental Congress was a group of Legislators sent on behalf of the various Colonies. The Second Continental Congress had the power of the legislative, executive, and judicial branch all in one; and was headed by The President of the Continental Congress.

The Second Continental Congress convened on May 10<sup>th</sup> 1775, just after the Revolutionary War had started (April 19<sup>th</sup>). The Continental Congress then raised the Continental Army on June 14<sup>th</sup> and made General George Washington the Commander in Chief the next day.

On July 4<sup>th</sup>, 1776 the Continental Congress, under the leadership of John Hancock, adopted the Declaration of Independence. On November 17<sup>th</sup>, 1777 the Continental Congress passed the Articles of Confederation, which took until March 1<sup>st</sup>, 1781 to get ratified by the States.

On March 1<sup>st</sup>, 1781 Samuel Huntington (who had begun serving as the President of the Continental Congress on September 28<sup>th</sup>, 1779) became President of the United States under The Articles of Confederation.

Upon ratification of The Articles of Confederation, The Second Continental Congress became “The Congress of the Confederation” (aka The United States in Congress Assembled). The Congress of the Confederation remained in place until March 4<sup>th</sup>, 1789 when the new Constitution of the United States became operative.

On April 30<sup>th</sup>, 1789 George Washington was sworn in under the new Constitution as President of the United States. Washington may have been the first President under the new Constitution, but the first President of the United States was **Samuel Huntington**.

## **George Washington was NOT our first President**

By Curtis Patranella

The First Ten Presidents: [Samuel Huntington](#) ([March 1, 1781](#) – [July 9, 1781](#)) Title: President of the United States in Congress Assembled [Thomas McKean](#) ([July 10, 1781](#) – [November 4, 1781](#)) Title: President of the United States (“in Congress Assembled” being dropped) [John Hanson](#) ([November 5, 1781](#) – [November 3, 1782](#)) [Elias Boudinot](#) ([November 4, 1782](#) – [November 2, 1783](#)) [Thomas Mifflin](#) ([November 3, 1783](#) – [October 31, 1784](#)) [Richard Henry Lee](#) ([November 30, 1784](#) – [November 6, 1785](#)) [John Hancock](#) ([November 23, 1785](#) – [May 29, 1786](#)) [Nathaniel Gorham](#) ([June 6, 1786](#) – [November 5, 1786](#)) [Arthur St. Clair](#) ([February 2, 1787](#) – [November 4, 1787](#)) [Cyrus Griffin](#) ([January 22, 1788](#) – [November 2, 1788](#))

## **The Coming of the New America**

By Curtis Patranella

In 1781 Delegates were sent to a Constitutional Convention for the purpose of amending the Articles of Confederation. What happened instead was the writing and adoption of an entirely new Constitution. This was not an accident, Federalists... particularly Alexander Hamilton and James Madison planned for it to happen.

What was born from this convention was the Constitution of the United States of America.

You may be thinking, "Well, that's a good thing." And, to a degree, you are right... however, we were lucky. When those 56 men locked themselves away in secrecy, they were playing by their own rules; for Constitutional Conventions are legally able to determine their own rules.

The Delegates were sent and assembled on behalf of the States for the express purpose of amending the Articles of Confederation; however this purpose was quickly and easily changed once they were gathered.

A fierce debate erupted between the Federalists and the Anti-Federalist as to what direction the Constitution would take. The Federalists wanted a strong central government, some even proposed a Monarchy; the Anti-Federalists wanted to ensure State and Individual Rights.

In the end Compromise won out, however James Madison, a Federalist and chief author of the Constitution, placed in careful wording which to this day has been used to allow the central power of the Federal Government to snowball; chiefly the General Welfare Clause and the Commerce Clause.

I am not suggesting Madison purposefully did this... but I am suggesting the Federalists influences did. In fact, the Anti-Federalists thought their fears justified when the government began functioning under the new Constitution in 1789. With the Federalists in charge, and Alexander Hamilton serving as the Secretary of the Treasury, the stage was set; and the government had a foothold into unchecked power.

With major newspapers favoring the Federalist's policies (my how little has changed), Thomas Jefferson and James Madison (a bit of a waffler) formed "The National Gazette" to counter; and Philip Freneau was chosen as its editor.

In 1792, seeing what was to come and desiring to warn the masses, Freneau wrote an editorial showing how easy it would be for a Republic to become a Monarchy. Freneau was a man of vision, for the warnings he expressed have come to pass; not necessarily in the building of a King of flesh and blood... but of establishing the almighty Federal Government as King.

You can read the actual editorial here  
(<http://www.chrononhotonthologos.com/lawnotes/freneau.htm>)

# The Coming of the New America

By Curtis Patranella

Paraphrased from the Editorial:

1. Remove any limits the Constitution puts on you, and any popular prejudices, by any means necessary.
2. Remove the stigma of titles by giving them to the most dignified officers, and the elderly, and take advantage of given opportunities to use them to set the example.
3. If at first you fail to accomplish your goal due to public aversion, or fear of causing an uprising, simply set it aside and allow time to curry favor with, or get the public used to, the idea.
4. When attempting to write legislation, resolutions, etc. keep in mind the limits of the Constitution and explain them away... most people will buy anything, and those people may be used to further your own ends.
5. Use the press to further your goals; and remind the people that a King (Federal Government), who is an enemy of the people, will take better care of them than they can take care of themselves.
6. Build up a great public debt; assume the debt of your neighbors; make it perpetual; and put it in as few hands as possible. Complicate the debt, divide it, subdivide it, and make it a mystery that only a few can understand to cinch their advantage over the many.
7. Ensure the Legislative body has a stake in the game; ply their interests against their constituency.
8. Great debt will require great taxes, and great taxes increases government control.
9. Great taxes and Great debt will require a Great bank. Establish a central bank run by the government. The Bank controls the money and is to enrich the entrusted few.
10. Divide and govern. Establish classes of people, and keep them at odds with one another. A “majority vote” can be established by pandering to one class or another for the purpose of the question at hand.
11. Chip away at the Constitution little by little removing boundaries. Occasionally a bold move can be made under a plausible and popular name such as “for the public safety”, or “for the general welfare”, or “for security”. If the people do not easily fall for it, do it on behalf of one class of people or another so that they will rally behind you.
12. Perpetuate external dangers requiring the need for a standing army and an enlarged establishment. Even military defeats can be used as a political victory.
13. Increase the need for taxes and debt by increasing the need for a military. If the people begin to complain about perpetual debt for a temporary service, use Rule 10 above plying as many extraneous motives as will conjure the required majority. Black may become white, good can become evil... just spin it.
14. As you seek to accomplish your goals, keep a particular model close at hand to be used as an example. Be sure that the model encompasses some mixture of your desired goals and “representation” so as to keep the illusion of liberty; however, keep it complicated.
15. Though the change from a Republic to a Monarchy may not occur overnight, be prepared for when it does occur. Charge every man who even thinks that revolution is at hand as being the enemy. Repeat the charge over and over again until such confusion and uncertainty occurs in the people, that they are unaware of

## The Coming of the New America

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where the truth lies. Remove the attention of the people away from the contest at hand.

16. Keep the people asleep so as not to discover your true intentions; or divide them so they cannot resist.

Keeping these rules in mind, and seeing where we have come as a Nation (and the fact that the Federal Government has played the playbook for all it is worth); it is time to put all of this into perspective of where we are heading.

In 1964, the Center for the Study of Democratic Institutions (a liberal “think tank” founded in 1959, an offshoot of the Ford Foundation (<http://www.fordfound.org/>)), supported by the Rockefeller Group, spent 10 years and hundreds of thousands of dollars writing a new Constitution with the hopes of putting it in place by getting a Constitutional Convention called.

In 1974, the Center for the Study of Democratic Institutions released its final draft in a limited print book entitled “*The Emerging Constitution*”. The book was written by Rexford G. Tugwell, an economist, political scientist, and Socialist who helped author FDR’s “New Deal”.

After the completion of the proposed Constitution, Nelson Rockefeller (then President of the Senate) introduced bill HCR 28 calling for an unlimited Constitutional Convention in 1976; However, public opposition defeated his efforts. Not to go down easy, Rockefeller renewed his efforts, hiding the purpose of calling a Constitutional Convention by promoting the idea of a Convention for the purpose of adding a Balanced Budget Amendment.

Be aware that Article 5 of the United States Constitution States: "The Congress; whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, **on the application of the Legislatures of two-thirds of the several states, shall call a Convention for proposing amendments,** which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be reposed by the Congress."

Since 1976, 32 of the 34 States required to force the Congress to call a convention have passed a resolution for a Constitutional Convention under the guise of adding a Balanced Budget Amendment. The remaining states which have not passed a Constitutional Convention resolution are: Hawaii, Washington, California, Montana, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Kentucky, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine.

A wary few managed to launch a campaign against the Constitutional Convention, and the juggernaut died down for a while. Realizing the danger Alabama, Florida, and Louisiana rescinded their call. The Nevada House of Representatives “negated” the

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resolution; however BOTH houses passed the resolution so it is doubtful the “negation” would hold up legally.

This means that 29 of the required 34 are ready for a new Constitutional Convention.

By this time, “Conservatives” jumped on the Constitutional Convention bandwagon as well. Among these groups are the American Legislative Exchange Council (ALEC), National Taxpayers' Union (NTU) Republican National Committee (RNC) and the Committee on the Constitutional System (CCS). In fact, in 1992 Ross Perot publicly called for a Constitutional Convention stating that we “need a Parliamentary Government” and a “Balanced Budget”.

In 1994, the liberals, refusing to give up their goal, started an effort to create a “Conference of States” headed by Mike Leavitt of Utah and Ben Nelson of Nebraska. It was publicized as a gathering to strengthen state authority under the Tenth Amendment Resolution to pressure the federal government to obey the Constitution. This “Conference of States” was very similar to the Conference of States of 1787 which became the Constitutional Convention (See Mike Leavitt’s Memorandum on the Conference at <http://www.sweetliberty.org/issues/concon/leavitt.htm>).

One difference between Leavitt’s “Conference” and Rockefeller’s “Convention” was that Leavitt stressed that only 26 States be required to convene the “Conference”; the historical precedent being that only 7 of the original 13 States formed the Constitutional majority that met to “amend” the Articles of Confederation.

Again this was defeated, and the “Conference” never took place; however, in 1996 an effort began again to have the States, via referendum, call a convention for a Balanced Budget Amendment after Congress failed to get the two-thirds majority vote. Remember, only 5 States needed to ratify as 29 already had (unless Alabama, Florida, and Louisiana’s rescinded ratification were discounted). Fortunately, this effort failed again.

Never undaunted, a call for a Balanced Budget Amendment has reared its head once again. However, this is now a moot point with the coming of the North American Union (refer to [www.opinetime.com](http://www.opinetime.com) for more on this).

It seems that the Federal Government now has all of their ducks in a row, and we are about to lose our liberty, and the Country our Forefather’s founded will be a distant memory. It seems that the planning of the Federalists paid off.

The stage is set, the Constitution is written, the timelines are in place, and almost everyone is a victim of Rule 16.

Here is the Constitution of the “NewStates of America” (or most likely, The North American Union) in all of its horribleness:

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The following is taken from "The Emerging Constitution" by Rexford G. Tugwell, published 1974 (Harper & Row):

## **Constitution for the Newstates of America**

### **PREAMBLE**

So that we may join in common endeavors, welcome the future in good order, and create an adequate and self-repairing government - we, the people, do establish the Newstates of America, herein provided to be ours, and do ordain this Constitution whose supreme law it shall be until the time prescribed for it shall have run.

### **ARTICLE I**

#### **Rights and Responsibilities**

##### **A. Rights**

SECTION 1. Freedom of expression, of communication, of movement, of assembly, or of petition shall not be abridged except in declared emergency.

SECTION 2. Access to information possessed by governmental agencies shall not be denied except in the interest of national security; but communications among officials necessary to decision making shall be privileged.

SECTION 3. Public communicators may decline to reveal sources of information, but shall be responsible for hurtful disclosures.

SECTION 4. The privacy of individuals shall be respected; searches and seizures shall be made only on judicial warrant; persons shall be pursued or questioned only for the prevention of crime or the apprehension of suspected criminals, and only according to rules established under law.

SECTION 5. There shall be no discrimination because of race, creed, color, origin, or sex. The Court of Rights and Responsibilities may determine whether selection for various occupations has been discriminatory.

SECTION 6. All persons shall have equal protection of the laws, and in all electoral procedures the vote of every eligible citizen shall count equally with others.

SECTION 7. It shall be public policy to promote discussion of public issues and to encourage peaceful public gatherings for this purpose. Permission to hold such gatherings shall not be denied, nor shall they be interrupted, except in declared emergency or on a showing of imminent danger to public order and on judicial warrant.

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SECTION 8. The practice of religion shall be privileged; but no religion shall be imposed by some on others, and none shall have public support.

SECTION 9. Any citizen may purchase, sell, lease, hold, convey, and inherit real and personal property, and shall benefit equally from all laws for security in such transactions.

SECTION 10. Those who cannot contribute to productivity shall be entitled to a share of the national product; but distribution shall be fair and the total may not exceed the amount for this purpose held in the National Sharing Fund.

SECTION 11. Education shall be provided at public expense for those who meet appropriate tests of eligibility.

SECTION 12. No person shall be deprived of life, liberty, or property without due process of law. No property shall be taken without compensation.

SECTION 13. Legislatures shall define crimes and conditions requiring restraint, but confinement shall not be for punishment; and, when possible, there shall be preparation for return to freedom.

SECTION 14. No person shall be placed twice in jeopardy for the same offense.

SECTION 15. Writs of habeas corpus shall not be suspended except in declared emergency.

SECTION 16. Accused persons shall be informed of charges against them, shall have a speedy trial, shall have reasonable bail, shall be allowed to confront witnesses or to call others, and shall not be compelled to testify against themselves; at the time of arrest they shall be informed of their right to be silent and to have counsel, provided, if necessary, at public expense; and courts shall consider the contention that prosecution may be under an invalid or unjust statute.

## **B. Responsibilities**

SECTION 1. Each freedom of the citizen shall prescribe a corresponding responsibility not to diminish that of others: of speech, communication, assembly, and petition, to grant the same freedom to others; of religion, to respect that of others; of privacy, not to invade that of others; of the holding and disposal of property, the obligation to extend the same privilege to others.

SECTION 2. Individuals and enterprises holding themselves out to serve the public shall serve all equally and without intention to misrepresent, conforming to such standards as may improve health and welfare.

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SECTION 3. Protection of the law shall be repaid by assistance in its enforcement; this shall include respect for the procedures of justice, apprehension of lawbreakers, and testimony at trial.

SECTION 4. Each citizen shall participate in the processes of democracy, assisting in the selection of officials and in the monitoring of their conduct in office.

SECTION 5. Each shall render such services to the nation as may be uniformly required by law, objection by reason of conscience being adjudicated as hereinafter provided; and none shall expect or may receive special privileges unless they be for a public purpose defined by law.

SECTION 6. Each shall pay whatever share of governmental costs is consistent with fairness to all.

SECTION 7. Each shall refuse awards or titles from other nations or their representatives except as they be authorized by law.

SECTION 8. There shall be a responsibility to avoid violence and to keep the peace; for this reason the bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law.

SECTION 9. Each shall assist in preserving the endowments of nature and enlarging the inheritance of future generations.

SECTION 10. Those granted the use of public lands, the air, or waters shall have a responsibility for using these resources so that, if irreplaceable, they are conserved and, if replaceable, they are put back as they were.

SECTION 11. Retired officers of the armed forces, of the senior civil service, and of the Senate shall regard their service as a permanent obligation and shall not engage in enterprise seeking profit from the government.

SECTION 12. The devising or controlling of devices for management or technology shall establish responsibility for resulting costs.

SECTION 13. All rights and responsibilities defined herein shall extend to such associations of citizens as may be authorized by law.

## **ARTICLE II**

### **The Newstates**

SECTION 1. There shall be Newstates, each comprising no less than 5 percent of the whole population. Existing states may continue and may have the status of Newstates if the Boundary Commission, hereinafter provided, shall so decide. The Commission shall

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be guided in its recommendations by the probability of accommodation to the conditions for effective government. States electing by referendum to continue if the Commission recommend otherwise shall nevertheless accept all Newstate obligations.

SECTION 2. The Newstates shall have constitutions formulated and adopted by processes hereinafter prescribed.

SECTION 3. They shall have Governors, legislatures, and planning, administrative, and judicial systems.

SECTION 4. Their political procedures shall be organized and supervised by electoral Overseers; but their elections shall not be in years of presidential election.

SECTION 5. The electoral apparatus of the Newstates of America shall be available to them, and they may be allotted funds under rules agreed to by the national Overseer; but expenditures may not be made by or for any candidate except they be approved by the Overseer; and requirements of residence in a voting district shall be no longer than thirty days.

SECTION 6. They may charter subsidiary governments, urban or rural, and may delegate to them powers appropriate to their responsibilities.

SECTION 7. They may lay, or may delegate the laying of, taxes; but these shall conform to the restraints stated hereinafter for the Newstates of America.

SECTION 8. They may not tax exports, may not tax with intent to prevent imports, and may not impose any tax forbidden by laws of the Newstates of America; but the objects appropriate for taxation shall be clearly designated.

SECTION 9. Taxes on land may be at higher rates than those on its improvements.

SECTION 10. They shall be responsible for the administration of public services not reserved to the government of the Newstates of America, such activities being concerted with those of corresponding national agencies, where these exist, under arrangements common to all.

SECTION 11. The rights and responsibilities prescribed in this Constitution shall be effective in the Newstates and shall be suspended only in emergency when declared by Governors and not disapproved by the Senate of the Newstates of America.

SECTION 12. Police powers of the Newstates shall extend to all matters not reserved to the Newstates of America; but preempted powers shall not be impaired.

SECTION 13. Newstates may not enter into any treaty, alliance, confederation, or agreement unless approved by the Boundary Commission hereinafter provided.

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They may not coin money, provide for the payment of debts in any but legal tender, or make any charge for inter-Newstate services. They may not enact ex post facto laws or ones impairing the obligation of contracts.

SECTION 14. Newstates may not impose barriers to imports from other jurisdictions or impose any hindrance to citizens' freedom of movement.

SECTION 15. If governments of the Newstates fail to carry out fully their constitutional duties, their officials shall be warned and may be required by the Senate, on the recommendation of the Watchkeeper, to forfeit revenues from the Newstates of America.

## **ARTICLE III**

### **The Electoral Branch**

SECTION 1. To arrange for participation by the electorate in the determination of policies and the selection of officials, there shall be an Electoral Branch.

SECTION 2. An Overseer of electoral procedures shall be chosen by majority of the Senate and may be removed by a two-thirds vote. It shall be the Overseer's duty to supervise the organization of national and district parties, arrange for discussion among them, and provide for the nomination and election of candidates for public office. While in office the Overseer shall belong to no political organization; and after each presidential election shall offer to resign.

SECTION 3. A national party shall be one having had at least a 5 percent affiliation in the latest general election; but a new party shall be recognized when valid petitions have been signed by at least 2 percent of the voters in each of 30 percent of the districts drawn for the House of Representatives. Recognition shall be suspended upon failure to gain 5 percent of the votes at a second election, 10 percent at a third, or 15 percent at further elections.

District parties shall be recognized when at least 2 percent of the voters shall have signed petitions of affiliation; but recognition shall be withdrawn upon failure to attract the same percentages as are necessary for the continuance of national parties.

SECTION 4. Recognition by the Overseer shall bring parties within established regulations and entitle them to common privileges.

SECTION 5. The Overseer shall promulgate rules for party conduct and shall see that fair practices are maintained, and for this purpose shall appoint deputies in each district and shall supervise the choice, in district and national conventions, of party administrators. Regulations and appointments may be objected to by the Senate.

SECTION 6. The Overseer, with the administrators and other officials, shall:

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- a. Provide the means for discussion, in each party, of public issues, and, for this purpose, ensure that members have adequate facilities for participation.
- b. Arrange for discussion, in annual district meetings, of the President's views, of the findings of the Planning Branch, and such other information as may be pertinent for enlightened political discussion.
- c. Arrange, on the first Saturday in each month, for enrollment, valid for one year, of voters at convenient places.

### SECTION 7. The Overseer shall also:

- a. Assist the parties in nominating candidates for district members of the House of Representatives each three years; and for this purpose designate one hundred districts, each with a similar number of eligible voters, redrawing districts after each election. In these there shall be party conventions having no more than three hundred delegates, so distributed that representation of voters be approximately equal.

Candidates for delegate may become eligible by presenting petitions signed by two hundred registered voters. They shall be elected by party members on the first Tuesday in March, those having the largest number of votes being chosen until the three hundred be complete. Ten alternates shall also be chosen by the same process.

District conventions shall be held on the first Tuesday in April. Delegates shall choose three candidates for membership in the House of Representatives, the three having the most votes becoming candidates.

- b. Arrange for the election each three years of three members of the House of Representatives in each district from among the candidates chosen in party conventions, the three having the most votes to be elected.

### SECTION 8. The Overseer shall also:

- a. Arrange for national conventions to meet nine years after previous presidential elections, with an equal number of delegates from each district, the whole number not to exceed one thousand.

Candidates for delegates shall be eligible when petitions signed by five hundred registered voters have been filed. Those with the most votes, together with two alternates, being those next in number of votes, shall be chosen in each district.

- b. Approve procedures in these conventions for choosing one hundred candidates to be members-at-large of the House of Representatives, whose terms shall be coterminous with that of the President. For this purpose delegates shall file one choice with convention officials. Voting on submissions shall proceed until one hundred achieve 10 percent, but not more than three candidates may be resident in any one district; if any

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district have more than three, those with the fewest votes shall be eliminated, others being added from the districts having less than three, until equality be reached. Of those added, those having the most votes shall be chosen first.

- c. Arrange procedures for the consideration and approval of party objectives by the convention.
- d. Formulate rules for the nomination in these conventions of candidates for President and Vice-Presidents when the offices are to fall vacant, candidates for nomination to be recognized when petitions shall have been presented by one hundred or more delegates, pledged to continue support until candidates can no longer win or until they consent to withdraw. Presidents and Vice-Presidents, together with Representatives-at-large, shall submit to referendum after serving for three years, and if they are rejected, new conventions shall be held within one month and candidates shall be chosen as for vacant offices.

Candidates for President and Vice-Presidents shall be nominated on attaining a majority.

- e. Arrange for the election on the first Tuesday in June, in appropriate years, of new candidates for President and Vice-Presidents, and members-at-large of the House of Representatives, all being presented to the nation's voters as a ticket; if no ticket achieve a majority, the Overseer shall arrange another election, on the third Tuesday in June, between the two persons having the most votes; and if referendum so determine he shall provide similar arrangements for the nomination and election of candidates.

In this election, the one having the most votes shall prevail.

SECTION 9. The Overseer shall also:

- a. Arrange for the convening of the national legislative houses on the fourth Tuesday of July.
- b. Arrange for inauguration of the President and Vice-Presidents on the second Tuesday of August.

SECTION 10. All costs of electoral procedures shall be paid from public funds, and there shall be no private contributions to parties or candidates; no contributions or expenditures for meetings, conventions, or campaigns shall be made; and no candidate for office may make any personal expenditures unless authorized by a uniform rule of the Overseer; and persons or groups making expenditures, directly or indirectly, in support of prospective candidates shall report to the Overseer and shall conform to his regulations.

SECTION 11. Expenses of the Electoral Branch shall be met by the addition of one percent to the net annual taxable income returns of taxpayers, this sum to be held by the Chancellor of Financial Affairs for disposition by the Overseer.

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Funds shall be distributed to parties in proportion to the respective number of votes cast for the President and Governors at the last election, except that new parties, on being recognized, shall share in proportion to their number. Party administrators shall make allocations to legislative candidates in amounts proportional to the party vote at the last election.

Expenditures shall be audited by the Watchkeeper; and sums not expended within four years shall be returned to the Treasury.

It shall be a condition of every communications franchise that reasonable facilities shall be available for allocations by the Overseer.

## **ARTICLE IV**

### **The Planning Branch**

SECTION 1. There shall be a Planning Branch to formulate and administer plans and to prepare budgets for the uses of expected income in pursuit of policies formulated by the processes provided herein.

SECTION 2. There shall be a National Planning Board of fifteen members appointed by the President; the first members shall have terms designated by the President of one to fifteen years, thereafter one shall be appointed each year; the President shall appoint a Chairman who shall serve for fifteen years unless removed by him.

SECTION 3. The Chairman shall appoint, and shall supervise, a planning administrator, together with such deputies as may be agreed to by the Board.

SECTION 4. The Chairman shall present to the Board six- and twelve-year development plans prepared by the planning staff. They shall be revised each year after public hearings, and finally in the year before they are to take effect. They shall be submitted to the President on the fourth Tuesday in July for transmission to the Senate on September 1 with his comments.

If members of the Board fail to approve the budget proposals by the forwarding date, the Chairman shall nevertheless make submission to the President with notations of reservation by such members. The President shall transmit this proposal, with his comments, to the House of Representatives on September 1.

SECTION 5. It shall be recognized that the six-and twelve-year development plans represent national intentions tempered by the appraisal of possibilities. The twelve-year plan shall be a general estimate of probable progress, both governmental and private; the six-year plan shall be more specific as to estimated income and expenditure and shall take account of necessary revisions.

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The purpose shall be to advance, through every agency of government, the excellence of national life. It shall be the further purpose to anticipate innovations, to estimate their impact, to assimilate them into existing institutions, and to moderate deleterious effects on the environment and on society.

The six- and twelve-year plans shall be disseminated for discussion and the opinions expressed shall be considered in the formulation of plans for each succeeding year with special attention to detail in proposing the budget.

SECTION 6. For both plans an extension of one year into the future shall be made each year and the estimates for all other years shall be revised accordingly. For nongovernmental activities the estimate of developments shall be calculated to indicate the need for enlargement or restriction.

SECTION 7. If there be objection by the President or the Senate to the six- or twelve-year plans, they shall be returned for restudy and resubmission. If there still be differences, and if the President and the Senate agree, they shall prevail. If they do not agree, the Senate shall prevail and the plan shall be revised accordingly.

SECTION 8. The Newstates, on June 1, shall submit proposals for development to be considered for inclusion in those for the Newstates of America. Researches and administration shall be delegated, when convenient, to planning agencies of the Newstates.

SECTION 9. There shall be submissions from private individuals or from organized associations affected with a public interest, as defined by the Board. They shall report intentions to expand or contract, estimates of production and demand, probable uses of resources, numbers expected to be employed, and other essential information.

SECTION 10. The Planning Branch shall make and have custody of official maps, and these shall be documents of reference for future developments both public and private; on them the location of facilities, with extension indicated, and the intended use of all areas shall be marked out.

Official maps shall also be maintained by the planning agencies of the Newstates, and in matters not exclusively national the National Planning Board may rely on these.

Undertakings in violation of official designation shall be at the risk of the venturer, and there shall be no recourse; but losses from designations after acquisition shall be recoverable in actions before the Court of Claims.

SECTION 11. The Planning Branch shall have available to it funds equal to one-half of one percent of the approved national budget (not including debt services or payments from trust funds). They shall be held by the Chancellor of Financial Affairs and expended according to rules approved by the Board; but funds not expended within six years shall be available for other uses.

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SECTION 12. Allocations may be made for the planning agencies of the Newstates; but only the maps and plans of the national Board, or those approved by them, shall have status at law.

SECTION 13. In making plans, there shall be due regard to the interests of other nations and such cooperation with their intentions as may be approved by the Board.

SECTION 14. There may also be cooperation with international agencies and such contributions to their work as are not disapproved by the President.

## **ARTICLE V**

### **The Presidency**

SECTION 1. The President of the Newstates of America shall be the head of government, shaper of its commitments, expositor of its policies, and supreme commander of its protective forces; shall have one term of nine years, unless rejected by 60 percent of the electorate after three years; shall take care that the nation's resources are estimated and are apportioned to its more exigent needs; shall recommend such plans, legislation, and action as may be necessary; and shall address the legislators each year on the state of the nation, calling upon them to do their part for the general good.

SECTION 2. There shall be two Vice-Presidents elected with the President; at the time of taking office the President shall designate one Vice-President to supervise internal affairs; and one to be deputy for general affairs. The deputy for general affairs shall succeed if the presidency be vacated; the Vice-President for internal affairs shall be second in succession. If either Vice-President shall die or be incapacitated, the President, with the consent of the Senate, shall appoint a successor. Vice-Presidents shall serve during an extended term with such assignments as the President may make.

If the presidency fall vacant through the disability of both Vice-Presidents, the Senate shall elect successors from among its members to serve until the next general election.

With the Vice-Presidents and other officials the President shall see to it that the laws are faithfully executed and shall pay attention to the findings and recommendations of the Planning Board, the National Regulatory Board, and the Watchkeeper in formulating national policies.

SECTION 3. Responsible to the Vice-President for General Affairs there shall be Chancellors of External, Financial, Legal, and Military Affairs.

The Chancellor of External Affairs shall assist in conducting relations with other nations.

The Chancellor of Financial Affairs shall supervise the nation's financial and monetary systems, regulating its capital markets and credit-issuing institutions as they

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may be established by law; and this shall include lending institutions for operations in other nations or in cooperation with them, except that treaties may determine their purposes and standards.

The Chancellor of Legal Affairs shall advise governmental agencies and represent them before the courts.

The Chancellor of Military Affairs shall act for the presidency in disposing all armed forces except militia commanded by governors; but these shall be available for national service at the President's convenience.

Except in declared emergency, the deployment of forces in far waters or in other nations without their consent shall be notified in advance to a national security committee of the Senate hereinafter provided.

SECTION 4. Responsible to the Vice-President for Internal Affairs there shall be chancellors of such departments as the President may find necessary for performing the services of government and are not rejected by a two-thirds vote when the succeeding budget is considered.

SECTION 5. Candidates for the presidency and the vice-presidencies shall be natural-born citizens. Their suitability may be questioned by the Senate within ten days of their nomination, and if two-thirds of the whole agree, they shall be ineligible and a nominating convention shall be reconvened. At the time of his nomination no candidate shall be a member of the Senate and none shall be on active service in the armed forces or a senior civil servant.

SECTION 6. The President may take leave because of illness or for an interval of relief, and the Vice-President in charge of General Affairs shall act. The President may resign if the Senate agree; and, if the term shall have more than two years to run, the Overseer shall arrange for a special election for President and Vice-President.

SECTION 7. The Vice-Presidents may be directed to perform such ministerial duties as the President may find convenient; but their instructions shall be of record, and their actions shall be taken as his deputy.

SECTION 8. Incapacitation may be established without concurrence of the President by a three-quarters vote of the Senate, whereupon a successor shall become Acting President until the disability be declared, by a similar vote, to be ended or to have become permanent. Similarly the other Vice-President shall succeed if a predecessor die or be disabled. Special elections, in these contingencies, may be required by the Senate.

Acting Presidents may appoint deputies, unless the Senate object, to assume their duties until the next election.

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SECTION 9. The Vice-Presidents, together with such other officials as the President may designate from time to time, may constitute a cabinet or council; but this shall not include officials of other branches.

SECTION 10. Treaties or agreements with other nations, negotiated under the President's authority, shall be in effect unless objected to by a majority of the Senate within ninety days. If they are objected to, the President may resubmit and the Senate reconsider. If a majority still object, the Senate shall prevail.

SECTION 11. All officers, except those of other branches, shall be appointed and may be removed by the President. A majority of the Senate may object to appointments within sixty days, and alternative candidates shall be offered until it agrees.

SECTION 12. The President shall notify the Planning Board and the House of Representatives, on the fourth Tuesday in June, what the maximum allowable expenditures for the ensuing fiscal year shall be.

The President may determine to make expenditures less than provided in appropriations; but, except in declared emergency, none shall be made in excess of appropriations. Reduction shall be because of changes in requirements and shall not be such as to impair the integrity of budgetary procedures.

SECTION 13. There shall be a Public Custodian, appointed by the President and removable by him, who shall have charge of properties belonging to the government, but not allocated to specific agencies, who shall administer common public services, shall have charge of building construction and rentals, and shall have such other duties as may be designated by the President or the designated Vice-Presidents.

SECTION 14. There shall be an Intendant responsible to the President who shall supervise Offices for Intelligence and Investigation; also an Office of Emergency Organization with the duty of providing plans and procedures for such contingencies as can be anticipated.

The Intendant shall also charter nonprofit corporations (or foundations), unless the President shall object, determined by him to be for useful public purposes. Such corporations shall be exempt from taxation but shall conduct no profitmaking enterprises.

SECTION 15. The Intendant shall also be a counselor for the coordination of scientific and cultural experiments, and for studies within the government and elsewhere, and for this purpose shall employ such assistance as may be found necessary.

SECTION 16. Offices for other purposes may be established and may be discontinued by presidential order within the funds allocated in the procedures of appropriation.

## **ARTICLE VI**

# **The Coming of the New America**

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## **The Legislative Branch**

(The Senate and the House of Representatives)

### A. The Senate

SECTION 1. There shall be a Senate with membership as follows: If they so desire, former Presidents, Vice-Presidents, Principal Justices, Overseers, Chairmen of the Planning and Regulatory Boards, Governors having had more than seven years' service, and unsuccessful candidates for the presidency and vice-presidency who have received at least 30 percent of the vote. To be appointed by the President, three persons who have been Chancellors, two officials from the civil services, two officials from the diplomatic services, two senior military officers, also one person from a panel of three, elected in a process approved by the Overseer, by each of twelve such groups or associations as the President may recognize from time to time to be nationally representative, but none shall be a political or religious group, no individual selected shall have been paid by any private interest to influence government, and any association objected to by the Senate shall not be recognized. Similarly, to be appointed by the Principal Justice, two persons distinguished in public law and two former members of the High Courts or the Judicial Council. Also, to be elected by the House of Representatives, three members who have served six or more years.

Vacancies shall be filled as they occur.

SECTION 2. Membership shall continue for life, except that absences not provided for by rule shall constitute retirement, and that Senators may retire voluntarily.

SECTION 3. The Senate shall elect as presiding officer a Convener who shall serve for two years, when his further service may be discontinued by a majority vote. Other officers, including a Deputy, shall be appointed by the Convener unless the Senate shall object.

SECTION 4. The Senate shall meet each year on the second Tuesday in July and shall be in continuous session, but may adjourn to the call of the Convener. A quorum shall be more than three-fifths of the whole membership.

SECTION 5. The Senate shall consider, and return within thirty days, all measures approved by the House of Representatives (except the annual budget). Approval or disapproval shall be by a majority vote of those present. Objection shall stand unless the House of Representatives shall overcome it by a majority vote plus one; if no return be made, approval by the House of Representatives shall be final.

For consideration of laws passed by the House of Representatives or for other purposes, the Convener may appoint appropriate committees.

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SECTION 6. The Senate may ask advice from the Principal Justice concerning the constitutionality of measures before it; and if this be done, the time for return to the House of Representatives may extend to ninety days.

SECTION 7. If requested, the Senate may advise the President on matters of public interest; or, if not requested, by resolution approved by two-thirds of those present. There shall be a special duty to note expressions of concern during party conventions and commitments made during campaigns; and if these be neglected, to remind the President and the House of Representatives that these undertakings are to be considered.

SECTION 8. In time of present or prospective danger caused by cataclysm, by attack, or by insurrection, the Senate may declare a national emergency and may authorize the President to take appropriate action. If the Senate be dispersed, and no quorum available, the President may proclaim the emergency, and may terminate it unless the Senate shall have acted. If the President be not available, and the circumstances extreme, the senior serving member of the presidential succession may act until a quorum assembles.

SECTION 9. The Senate may also define and declare a limited emergency in time of prospective danger, or of local or regional disaster, or if an extraordinary advantage be anticipated. It shall be considered by the House of Representatives within three days and, unless disapproved, may extend for a designated period and for a limited area before renewal.

Extraordinary expenditures during emergency may be approved, without regard to usual budget procedures, by the House of Representatives with the concurrence of the President.

SECTION 10. The Senate, at the beginning of each session, shall select three of its members to constitute a National Security Committee to be consulted by the President in emergencies requiring the deployment of the armed forces abroad. If the Committee dissent from the President's proposal, it shall report to the Senate, whose decision shall be final.

SECTION 11. The Senate shall elect, or may remove, a National Watchkeeper, and shall oversee, through a standing committee, a Watchkeeping Service conducted according to rules formulated for their approval.

With the assistance of an appropriate staff the Watchkeeper shall gather and organize information concerning the adequacy, competence, and integrity of governmental agencies and their personnel, as well as their continued usefulness; and shall also suggest the need for new or expanded services, making report concerning any agency of the deleterious effect of its activities on citizens or on the environment.

The Watchkeeper shall entertain petitions for the redress of grievances and shall advise the appropriate agencies if there be need for action.

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For all these purposes, personnel may be appointed, investigations made, witnesses examined, postaudits made, and information required.

The Convener shall present the Watchkeeper's findings to the Senate, and if it be judged to be in the public interest, they shall be made public or, without being made public, be sent to the appropriate agency for its guidance and such action as may be needed. On recommendation of the Watchkeeper the Senate may initiate corrective measures to be voted on by the House of Representatives within thirty days. When approved by a majority and not vetoed by the President, they shall become law.

For the Watchkeeping Service one-quarter of one percent of individual net taxable incomes shall be held by the Chancellor of Financial Affairs; but amounts not expended in any fiscal year shall be available for general use.

## **B. The House of Representatives**

SECTION 1. The House of Representatives shall be the original lawmaking body of the Newstates of America.

SECTION 2. It shall convene each year on the second Tuesday in July and shall remain in continuous session except that it may adjourn to the call of a Speaker, elected by majority vote from among the Representatives-at-large, who shall be its presiding officer.

SECTION 3. It shall be a duty to implement the provisions of this constitution and, in legislating, to be guided by them.

SECTION 4. Party leaders and their deputies shall be chosen by caucus at the beginning of each session.

SECTION 5. Standing and temporary committees shall be selected as follows:

Committees dealing with the calendaring and management of bills shall have a majority of members nominated to party caucuses by the Speaker; other members shall be nominated by minority leaders. Membership shall correspond to the parties' proportions at the last election. If nominations be not approved by a majority of the caucus, the Speaker or the minority leaders shall nominate others until a majority shall approve.

Members of other committees shall be chosen by party caucus in proportion to the results of the last election. Chairmen shall be elected annually from among at-large members.

Bills referred to committees shall be returned to the house with recommendations within sixty days unless extension be voted by the House.

In all committee actions names of those voting for and against shall be recorded.

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No committee chairman may serve longer than six years.

SECTION 6. Approved legislation, not objected to by the Senate within the allotted time, shall be presented to the President for his approval or disapproval. If the President disapprove, and three-quarters of the House membership still approve, it shall become law. The names of those voting for and against shall be recorded. Bills not returned within eleven days shall become law.

SECTION 7. The President may have thirty days to consider measures approved by the House unless they shall have been submitted twelve days previous to adjournment.

SECTION 8. The House shall consider promptly the annual budget; if there be objection, it shall be notified to the Planning Board; the Board shall then resubmit through the President; and, with his comments, it shall be returned to the House. If there still be objection by a two-thirds majority, the House shall prevail. Objection must be by whole title; titles not objected to when voted on shall constitute appropriation.

The budget for the fiscal year shall be in effect on January 1. Titles not yet acted on shall be as in the former budget until action be completed.

SECTION 9. It shall be the duty of the House to make laws concerning taxes.

1. For their laying and collection:

a. They shall be uniform, and shall not be retroactive.

b. Except such as may be authorized by law to be laid by Authorities, or by the Newstates, all collections shall be made by a national revenue agency. This shall include collections for trust funds hereinafter authorized.

c. Except for corporate levies to be held in the National Sharing Fund, hereinafter authorized, taxes may be collected only from individuals and only from incomes; but there may be withholding from current incomes.

d. To assist in the maintenance of economic stability, the President may be authorized to alter rates by executive order.

e. They shall be imposed on profitmaking enterprises owned or conducted by religious establishments or other nonprofit organizations.

f. There shall be none on food, medicines, residential rentals, or commodities or services designated by law as necessities; and there shall be no double taxation.

g. None shall be levied for registering ownership or transfer of property.

2. For expenditures from revenues:

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- a. For the purposes detailed in the annual budget unless objection be made by the procedure prescribed herein.
  - b. For such other purposes as the House may indicate and require the Planning Branch to include in revisions of the budget; but, except in declared emergency, the total may not exceed the President's estimate of available funds.
- 1 For fixing the percentage of net corporate taxable incomes to be paid into a National Sharing Fund to be held in the custody of the Chancellor of Financial Affairs and made available for such welfare and environmental purposes as are authorized by law.
  - 2 To provide for the regulation of commerce with other nations and among the Newstates, Possessions, Territories; or, as shall be mutually agreed, with other organized governments; but exports shall not be taxed; and imports shall not be taxed except on recommendation of the President at rates whose allowable variation shall have been fixed bylaw. There shall be no quotas, and no nations favored by special rates, unless by special acts requiring two-thirds majorities.
  - 3 To establish, or provide for the establishment of, institutions for the safekeeping of savings, for the gathering and distribution of capital, for the issuance of credit, for regulating the coinage of money, for controlling them edia of exchange, and for stabilizing prices; but such institutions, when not public or semipublic, shall be regarded as affected with the public interest and shall be supervised by the Chancellor of Financial Affairs.
  - 4 To establish institutions for insurance against risks and liabilities, or to provide suitable agencies for the regulation of such as are not public.
  - 5 To ensure the maintenance, by ownership or regulation, of facilities for communication, transportation, and others commonly used and necessary for public convenience.
  - 6 To assist in the maintenance of world order, and, for this purpose, when the President shall recommend, to vest jurisdiction in international legislative, judicial, or administrative agencies.
  - 7 To develop with other peoples, and for the benefit of all, the resources of space, of other bodies in the universe, and of the seas beyond twelve miles from low-water shores unless treaties shall provide other limits.
  - 8 To assist other peoples who have not attained satisfactory levels of well-being; to delegate the administration of funds for assistance, whenever possible, to international agencies; and to invest in or contribute to the furthering of development in other parts of the world.

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1. To assure, or to assist in assuring, adequate and equal facilities for education; for training in occupations citizens may be fitted to pursue; and to reeducate or retrain those whose occupations may become obsolete.
  2. To establish or to assist institutions devoted to higher education, to research, or to technical training.
  3. To establish and maintain, or assist in maintaining, libraries, archives, monuments, and other places of historic interest.
  4. To assist in the advancement of sciences and technologies; and to encourage cultural activities.
  5. To conserve natural resources by purchase, by withdrawal from use, or by regulation; to provide, or to assist in providing, facilities for recreation; to establish and maintain parks, forests, wilderness areas, wetlands, and prairies; to improve streams and other waters; to ensure the purity of air and water; to control the erosion of soils; and to provide for all else necessary for the protection and common use of the national heritage.
  6. To acquire property and improvements for public use at costs to be fixed, if necessary, by the Court of Claims.
  7. To prevent the stoppage or hindrance of governmental procedures, or of other activities affected with a public interest as defined by law, by reason of disputes between employers and employees, or for other reasons, and for this purpose to provide for conclusive arbitration if adequate provision for collective bargaining fail. From such finding there may be appeal to the Court of Arbitration Review; but such proceedings may not stay the acceptance of findings.
  8. To support an adequate civil service for the performance of such duties as may be designated by administrators; and for this purpose to refrain from interference with the processes of appointment or placement, asking advice or testimony before committees only with the consent of appropriate superiors.
19. To provide for the maintenance of armed forces.
1. To enact such measures as will assist families in making adjustment to future conditions, using estimates concerning population and resources made by the Planning Board.
  2. To vote within ninety days on such measures as the President may designate as urgent.

## **ARTICLE VII**

### **The Regulatory Branch**

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SECTION 1. There shall be a Regulatory Branch, and there shall be a National Regulator chosen by majority vote of the Senate and removable by a two-thirds vote of that body. His term shall be seven years, and he shall preside over a National Regulatory Board. Together they shall make and administer rules for the conduct of all economic enterprises.

The Regulatory Branch shall have such agencies as the Board may find necessary and are not disapproved by law.

SECTION 2. The Regulatory Board shall consist of seventeen members recommended to the Senate by the Regulator. Unless rejected by majority vote they shall act with the Regulator as a lawmaking body for industry.

They shall initially have terms of one or seventeen years, one being replaced each year and serving for seventeen years. They shall be compensated and shall have no other occupation.

SECTION 3. Under procedures approved by the board, the Regulator shall charter all corporations or enterprises except those exempted because of size or other characteristics, or those supervised by the Chancellor of Financial Affairs, or by the Intendant, or those whose activities are confined to one Newstate.

Charters shall describe proposed activities, and departure from these shall require amendment on penalty of revocation. For this purpose there shall be investigation and enforcement services under the direction of the Regulator.

SECTION 4. Chartered enterprises in similar industries or occupations may organize joint Authorities. These may formulate among themselves codes to ensure fair competition, meet external costs, set standards for quality and service, expand trade, increase production, eliminate waste, and assist in standardization. Authorities may maintain for common use services for research and communication; but membership shall be open to all eligible enterprises. Nonmembers shall be required to maintain the same standards as those prescribed for members.

SECTION 5. Authorities shall have governing committees of five, two being appointed by the Regulator to represent the public. They shall serve as he may determine; they shall be compensated; and he shall take care that there be no conflicts of interest. The Board may approve or prescribe rules for the distribution of profits to stockholders, allowable amounts of working capital, and reserves. Costing and all other practices affecting the public interest shall be monitored.

All codes shall be subject to review by the Regulator with his Board.

SECTION 6. Member enterprises of an Authority shall be exempt from other regulation.

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SECTION 7. The Regulator, with his Board, shall fix standards and procedures for mergers of enterprises or the acquisition of some by others; and these shall be in effect unless rejected by the Court of Administrative Settlements. The purpose shall be to encourage adaptation to change and to further approved intentions for the nation.

SECTION 8. The charters of enterprises may be revoked and Authorities may be dissolved by the Regulator, with the concurrence of the Board, if they restrict the production of goods and services, or controls of their prices; also if external costs are not assessed to their originators or if the ecological impacts of their operations are deleterious.

SECTION 9. Operations extending abroad shall conform to policies notified to the Regulator by the President; and he shall restrict or control such activities as appear to injure the national interest.

SECTION 10. The Regulator shall make rules for and shall supervise marketplaces for goods and services; but this shall not include security exchanges regulated by the Chancellor of Financial Affairs.

SECTION 11. Designation of enterprises affected with a public interest, rules for conduct of enterprises and of their Authorities, and other actions of the Regulator or of the Board may be appealed to the Court of Administrative Settlements, whose judgments shall be informed by the intention to establish fairness to consumer and competitors and stability in economic affairs.

SECTION 12. Responsible also to the Regulator, there shall be an Operations Commission appointed by the Regulator, unless the Senate object, for the supervision of enterprises owned in whole or in part by government. The commission shall choose its chairman, and he shall be the executive head of a supervisory staff. He may require reports, conduct investigations, and make rules and recommendations concerning surpluses or deficits, the absorption of external costs, standards of service, and rates or oprices charged for services or goods.

Each enterprise shall have a director, chosen and removable by the Commission; and he shall conduct its affairs in accordance with standards fixed by the Commission.

## **ARTICLE VIII**

### **The Judicial Branch**

SECTION 1. There shall be a Principal Justice of the Newstates of America; a Judicial Council; and a Judicial Assembly. There shall also be a Supreme Court and a High Court of Appeals; also Courts of Claims, Rights and Duties, Administrative Review, Arbitration Settlements, Tax Appeals, and Appeals from Watchkeeper's Findings. There shall be Circuit Courts to be of first resort in suits brought under national law; and they shall hear appeals from courts of the Newstates.

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Other courts may be established by law on recommendation of the Principal Justice with the Judicial Council.

SECTION 2. The Principal Justice shall preside over the judicial system, shall appoint the members of all national courts, and, unless the Judicial Council object, shall make its rules; also, through an Administrator, supervise its operations.

SECTION 3. The Judicial Assembly shall consist of Circuit Court Judges, together with those of the High Courts of the Newstates of America and those of the highest courts of the Newstates. It shall meet annually, or at the call of the Principal Justice, to consider the state of the Judiciary and such other matters as may be laid before it.

It shall also meet at the call of the Convener to nominate three candidates for the Principal Justiceship whenever a vacancy shall occur. From these nominees the Senate shall choose the one having the most votes.

SECTION 4. The Principal Justice, unless the Senate object to any, shall appoint a Judicial Council of five members to serve during his incumbency. He shall designate a senior member who shall preside in his absence.

It shall be the duty of the Council, under the direction of the Principal Justice, to study the courts in operation, to prepare codes of ethics to be observed by members, and to suggest changes in procedure. The Council may ask the advice of the Judicial Assembly.

It shall also be a duty of the Council, as hereinafter provided, to suggest constitutional amendments when they appear to be necessary; and it shall also draft revisions if they shall be required. Further, it shall examine, and from time to time cause to be revised, civil and criminal codes; these, when approved by the Judicial Assembly, shall be in effect throughout the nation.

SECTION 5. The Principal Justice shall have a term of eleven years; but if at any time the incumbent resign to be disabled from continuing in office, as may be determined by the Senate, replacement shall be by the senior member of the Judicial Council until a new selection be made. After six years the Assembly may provide, by a two-thirds vote, for discontinuance in office, and a successor shall then be chosen.

SECTION 6. The Principal Justice may suspend members of any court for incapacity or violation of rules; and the separation shall be final if a majority of the Council agree.

For each court the Principal Justice shall, from time to time, appoint a member who shall preside.

SECTION 7. A presiding judge may decide, with the concurrence of the senior judge, that there may be pretrial proceedings, that criminal trials shall be conducted by either investigatory or adversary proceedings, and whether there shall be a jury and what the number of jurors shall be; but investigatory proceedings shall require a bench of three.

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SECTION 8. In deciding on the concordance of statutes with the Constitution, the Supreme Court shall return to the House of Representatives such as it cannot construe. If the House fail to make return within ninety days the Court may interpret.

SECTION 9. The Principal Justice, or the President, may grant pardons or reprieves.

SECTION 10. The High Courts shall have thirteen members; but nine members, chosen by their senior justices from time to time, shall constitute a court. The justices on leave shall be subject to recall.

Other courts shall have nine members; but seven, chosen by their seniors, shall constitute a court.

All shall be in continuous session except for recesses approved by the Principal Justice.

SECTION 11. The Principal Justice, with the Council, may advise the Senate, when requested, concerning the appropriateness of measures approved by the House of Representatives; and may also advise the President, when requested, on matters he may refer for consultation.

SECTION 12. It shall be for other branches to accept and to enforce judicial decrees.

SECTION 13. The High Court of Appeals may select applications for further consideration by the Supreme Court, of decisions reached by other courts, including those of the Newstates. If it agree that there be a constitutional issue it may make preliminary judgment to be reviewed without hearing, and finally, by the Supreme Court.

SECTION 14. The Supreme Court may decide:

- a. Whether, in litigation coming to it on appeal, constitutional provisions have been violated or standards have not been met.
- b. On the application of constitutional provisions to suits involving the Newstates.
- c. Whether international law, as recognized in treaties, United Nations agreements, or arrangements with other nations, has been ignored or violated.
- d. Other causes involving the interpretation of constitutional provisions; except that in holding any branch to have exceeded its powers the decision shall be suspended until the Judicial Council shall have determined whether, in order to avoid confrontation, procedures for amendment of the Constitution are appropriate.

If amendatory proceedings are instituted, decision shall await the outcome.

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SECTION 15. The Courts of the Newstates shall have initial jurisdiction in cases arising under their laws except those involving the Newstate itself or those reserved for national courts by a rule of the Principal Justice with the Judicial Council.

## **ARTICLE IX**

### **General Provisions**

SECTION 1. Qualifications for participation in democratic procedures as a citizen, and eligibility for office, shall be subject to repeated study and redefinition; but any change in qualification or eligibility shall become effective only if not disapproved by the Congress.

For this purpose a permanent Citizenship and Qualifications Commission shall be constituted, four members to be appointed by the President, three by the Convener of the Senate, three by the Speaker of the House, and three by the Principal Justice. Vacancies shall be filled as they occur. The members shall choose a chairman; they shall have suitable assistants and accommodations; and they may have other occupations. Recommendations of the commission shall be presented to the President and shall be transmitted to the House of Representatives with comments. They shall have a preferred place on the calendar and, if approved, shall be in effect.

SECTION 2. Areas necessary for the uses of government may be acquired at its valuation and may be maintained as the public interest may require. Such areas shall have self-government in matters of local concern.

SECTION 3. The President may negotiate for the acquisition of areas outside the Newstates of America, and, if the Senate approve, may provide for their organization as Possessions or Territories.

SECTION 4. The President may make agreements with other organized peoples for a relation other than full membership in the Newstates of America. They may become citizens and may participate in the selection of officials. They may receive assistance for their development or from the National Sharing Fund if they conform to its requirements; and they may serve in civilian or military services, but only as volunteers. They shall be represented in the House of Representatives by members elected at large, their number proportional to their constituencies; but each shall have at least one; and each shall in the same way choose one permanent member of the Senate.

SECTION 5. The President, the Vice-Presidents, and members of the legislative houses shall in all cases except treason, felony, and breach of the peace be exempt from penalty for anything they may say while pursuing public duties; but the Judicial Council may make restraining rules.

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SECTION 6. Except as otherwise provided by this Constitution, each legislative house shall establish its requirements for membership and may make rules for the conduct of members, including conflicts of interest, providing its own disciplines for their infraction.

SECTION 7. No Newstate shall interfere with officials of the Newstates of America in the performance of their duties, and all shall give full faith and credit to the Acts of other Newstates and of the Newstates of America.

SECTION 8. Public funds shall be expended only as authorized in this Constitution.

## **ARTICLE X**

### **Governmental Arrangements**

SECTION 1. Officers of the Newstates of America shall be those named in this Constitution, including those of the legislative houses and others authorized by law to be appointed; they shall be compensated, and none may have other paid occupation unless they be excepted by law; none shall occupy more than one position in government; and no gift or favor shall be accepted if in any way related to official duty.

No income from former employments or associations shall continue for their benefits; but their properties may be put in trust and managed without their intervention during continuance in office. Hardships under this rule may be considered by the Court of Rights and Duties, and exceptions may be made with due regard to the general intention.

SECTION 2. The President, the Vice-Presidents, and the Principal Justice shall have households appropriate to their duties. The President, the Vice-President, the Principal Justice, the Chairman of the Planning Board, the Regulator, the Watchkeeper, and the Overseer shall have salaries fixed by law and continued for life; but if they become members of the Senate, they shall have senatorial compensation and shall conform to senatorial requirements.

Justices of the High Courts shall have no term; and their salaries shall be two-thirds that of the Principal Justice; they, and members of the Judicial Council, unless they shall have become Senators, shall be permanent members of the Judiciary and shall be available for assignment by the Principal Justice.

Salaries for members of the Senate shall be the same as for Justices of the High Court of Appeals.

SECTION 3. Unless otherwise provided herein, officials designated by the head of a branch as sharers in policymaking may be appointed by him with the President's concurrence and unless the Senate shall object.

SECTION 4. There shall be administrators:

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- a. for executive offices and official households, appointed by authority of the President;
- b. for the national courts, appointed by the Principal Justice;
- c. for the Legislative Branch, selected by a committee of members from each house (chosen by the Convener and the Speaker), three from the House of Representatives and four from the Senate.

Appropriations shall be made to them; but those for the Presidency shall not be reduced during his term unless with his consent; and those for the Judicial Branch shall not be reduced during five years succeeding their determination, unless with the consent of the Principal Justice.

SECTION 5. The fiscal year shall be the same as the calendar year, with new appropriations available at its beginning.

SECTION 6. There shall be an Officials' Protective Service to guard the President, the Vice-Presidents, the Principal Justice, and other officials whose safety may be at hazard; and there shall be a Protector appointed by and responsible to a standing committee of the Senate. Protected officials shall be guided by procedures approved by the committee.

The service, at the request of the Political Overseer, may extend its protection to candidates for office; or to other officials, if the committee so decide.

SECTION 7. A suitable contingency fund shall be made available to the President for purposes defined by law.

SECTION 8. The Senate shall try officers of government other than legislators when such officers are impeached by a two-third vote of the House of Representatives for conduct prejudicial to the public interest. If Presidents or Vice-Presidents are to be tried, the Senate, as constituted, shall conduct the trial. Judgments shall not extend beyond removal from office and disqualification for holding further office; but the convicted official shall be liable to further prosecution.

SECTION 9. Members of legislative houses may be impeached by the Judicial Council; but for trials it shall be enlarged to seventeen by Justices of the High Courts appointed by the Principal Justice. If convicted, members shall be expelled and be ineligible for future public office; and they shall also be liable for trial as citizens.

## **ARTICLE XI**

### **Amendment**

SECTION 1. It being the special duty of the Judicial Council to formulate and suggest amendments to this Constitution, it shall, from time to time, make proposals, through the

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Principal Justice, to the Senate. The Senate, if it approve, and if the President agree, shall instruct the Overseer to arrange at the next national election for submission of the amendment to the electorate. If not disapproved by a majority, it shall become part of this Constitution. If rejected, it may be restudied and a new proposal submitted.

It shall be the purpose of the amending procedure to correct deficiencies in the Constitution, to extend it when new responsibilities require, and to make government responsible to needs of the people, making use of advances in managerial competence and establishing security and stability; also to preclude changes in the Constitution resulting from interpretation.

SECTION 2. When this Constitution shall have been in effect for twenty-five years the Overseer shall ask, by referendum, whether a new Constitution shall be prepared. If a majority so decide, the Council, making use of such advice as may be available, and consulting those who have made complaint, shall prepare a new draft for submission at the next election. If not disapproved by a majority it shall be in effect. If disapproved it shall be redrafted and resubmitted with such changes as may be then appropriate to the circumstances, and it shall be submitted to the voters at the following election.

If not disapproved by a majority it shall be in effect. If disapproved it shall be restudied and resubmitted.

## **ARTICLE XII**

### **Transition**

SECTION 1. The President is authorized to assume such powers, make such appointments, and use such funds as are necessary to make this Constitution effective as soon as possible after acceptance by a referendum he may initiate.

SECTION 2. Such members of the Senate as may be at once available shall convene and, if at least half, shall constitute sufficient membership while others are being added. They shall appoint an Overseer to arrange for electoral organization and elections for the offices of government; but the President and Vice-Presidents shall serve out their terms and then become members of the Senate. At that time the presidency shall be constituted as provided in this Constitution.

SECTION 3. Until each indicated change in the government shall have been completed the provisions of the existing Constitution and the organs of government shall be in effect.

SECTION 4. All operations of the national government shall cease as they are replaced by those authorized under this Constitution.

The President shall determine when replacement is complete.

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The President shall cause to be constituted an appropriate commission to designate existing laws inconsistent with this Constitution, and they shall be void; also the commission shall assist the President and the legislative houses in the formulating of such laws as may be consistent with the Constitution and necessary to its implementation.

SECTION 5. For establishing Newstates boundaries a commission of thirteen, appointed by the President, shall make recommendations within one year. For this purpose the members may take advice and commission studies concerning resources, population, transportation, communication, economic and social arrangements, and such other conditions as may be significant. The President shall transmit the commission's report to the Senate. After entertaining, if convenient, petitions for revision, the Senate shall report whether the recommendations are satisfactory but the President shall decide whether they shall be accepted or shall be returned for revision.

Existing states shall not be divided unless metropolitan areas extending over more than one state are to be included in one Newstate, or unless other compelling circumstances exist; and each Newstate shall possess harmonious regional characteristics.

The Commission shall continue while the Newstates make adjustments among themselves and shall have jurisdiction in disputes arising among them.

SECTION 6. Constitution of the Newstates shall be established as arranged by the Judicial Council and the Principal Justice.

These procedures shall be as follows: Constitutions shall be drafted by the highest courts of the Newstates. There shall then be a convention of one hundred delegates chosen in special elections in a procedure approved by the Overseer. If the Constitution be not rejected it shall be in effect and the government shall be constituted. If it be rejected, the Principal Justice, advised by the Judicial Council, shall promulgate a Constitution and initiate revisions to be submitted for approval at a time he shall appoint. If it again be rejected he shall promulgate another, taking account of objections, and it shall be in effect. A Constitution, once in effect, shall be valid for twenty-five years as herein provided.

SECTION 7. Until Governors and legislatures of the Newstates are seated, their governments shall continue, except that the President may appoint temporary Governors to act as executives until succeeded by those regularly elected. These Governors shall succeed to the executive functions of the states as they become one of the Newstates of America.

SECTION 8. The indicated appointments, elections, and other arrangements shall be made with all deliberate speed.

SECTION 9. The first Judicial Assembly for selecting a register of candidates for the Principal Justiceship of the Newstates of America shall be called by the incumbent Chief Justice immediately upon ratification.

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SECTION 10. Newstates electing by referendum not to comply with recommendations of the Boundary Commission, as approved by the Senate, shall have deducted from taxes collected by the Newstates of America for transmission to them a percentage equal to the loss in efficiency from failure to comply.

Estimates shall be made by the Chancellor of Financial Affairs and approved by the President; but the deduction shall not be less than 7 percent.

SECTION 11. When this Constitution has been implemented the President may delete by proclamation appropriate parts of this article.

## A New World Order

By Curtis Patranella

On March 6<sup>th</sup>, 1991 President George H.W. Bush gave a speech that was truly notable. It was not a notable speech due to its poetic elegance, nor due to its passion, or inspiration; the speech was notable because of a single phrase: “New World Order”.

To keep this in context and perspective, here is an excerpt from that speech:

*“The consequences of the conflict in the Gulf reach far beyond the confines of the Middle East. Twice before in this century, an entire world was convulsed by war. Twice this century, out of the horrors of war hope emerged for enduring peace. Twice before, those hopes proved to be a distant dream, beyond the grasp of man.*

*Until now, the world we’ve known has been a world divided – a world of barbed wire and concrete block, conflict and cold war.*

*Now, we can see a new world coming into view. A world in which there is the very real prospect of a **new world order**. In the words of Winston Churchill, a “world order” in which “the principles of justice and fair play ... protect the weak against the strong ...” A world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders. A world in which freedom and respect for human rights find a home among all nations.*

*The Gulf war put this new world to its first test, and, my fellow Americans, we passed that test.”*

There have been elements in America that have sought to destroy what was established in 1776 since day 1. Some sought to return to a Monarchal system of government, some sought a Marxist’s style government, some want it all... a One World Government.

Now we all understand that for multiple nations to form into a single governing body will require a lot of time, patience, subversion, the inclusion of men of stature to give it credibility, and a means to motivate the masses to embrace the idea.

An Englishman by the name of Cecil Rhodes had a dream to see the United States returned to the British Empire. To further his goals upon his death, he established the Rhodes Scholarship which would bring 32 Americans to Oxford (his alma mater). However, not just any Americans could come; the Americans so chosen had to have great literary and scholastic skills (which makes perfect sense); the energy and desire to use their talents to the fullest; have a fondness and success in sports; have a moral force of character and leadership abilities; sympathy for the weak; and a devotion to duty.

These “Rhodes Scholars” would be groomed to be leaders in American Politics, Academics, and Business.

Others eligible to receive Rhodes Scholarships were citizens of British Colonies, and Germany; the thought being that “an understanding between the three great powers (*Britain, the US, and Germany*) will render war impossible”.

## A New World Order

By Curtis Patranella

**Note:** 32 Americans a year were to be accepted... the scholarships awarded to citizens of the British Colonies and Germany totaled 27.

In 1939, as World War 2 began, Rhodes Scholar and Marxist Clarence Streit wrote a book called "Union Now" ([http://www.constitution.org/aun/union\\_now.htm](http://www.constitution.org/aun/union_now.htm)). "Union Now" advocates a gradual move to a World Union by means of regional unions (aka EU, North American Union, etc.) starting with a union between Britain and the US. Committees were established across the US (forming the group "Federal Union") and over two million Americans signed petitions asking for a union with Britain (which then evolved to all of Western Europe).

The Federal Union and its supporters were instrumental in several key areas:

- 1 In close cooperation with President Roosevelt helped move the US from neutrality to intervention in WW2.
- 2 Helped with the formation of the United Nations.
- 3 Helped create NATO.

In 1949, Federal Union created the Atlantic Union Committee with former Supreme Court Justice Owen Roberts as chair. The goal of the Committee was to persuade Congress to hold a federal convention like the one held in Philadelphia in 1787 (the formation of the US Constitution over the Articles of Confederation).

**Note:** Former Under-Secretary of State, and author of the "Marshall Plan", Will Clayton and former Secretary of War Robert Patterson were Vice Chairmen.

**Note:** The Marshall Plan was the primary plan of the United States to rebuild Europe.

**Note:** The development of the European Union had begun formation in earnest about the time the AUC was created.

The Atlantic Union Committee managed to have an Atlantic Union Resolution brought before Congress beginning in 1949; being reintroduced every year well into the 1970's.

Supporters of the Resolution included: Richard Nixon, Hubert Humphrey, George McGovern, Dwight D. Eisenhower, Adlai Stevenson, Eugene McCarthy, Nelson Rockefeller, and Henry Kissinger, as well as a majority of Congress. In fact, in 1973 the act failed by only 13 votes.

**Note:** The Rockefeller family have provided free accommodations and financial support to this project since 1939.

In 1961 the Atlantic Union Committee dissolved, however the Federal Union is still alive and well. In 1985 Federal Union was renamed "The Association to Unite the Democracies".

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Besides, there are plenty of organizations interlinked via Rockefeller's and the Council on Foreign Relations (CFR), including the United World Federalists (whose supporters included Harry Truman, Adlai Stevenson, Hubert Humphrey, Richard Nixon, Dwight D. Eisenhower, Justice William Douglas, and Ronald Reagan).

You may be thinking... "what does this have to do with President G.H.W. Bush's speech, or politics of today?" I'll sum it up for you.

We have been heading toward the end of a Democratic Republic for a very long time. As stated earlier, "for multiple nations to form into a single governing body will require a lot of time, patience, subversion, the inclusion of men of stature to give it credibility, and a means to motivate the masses to embrace the idea"; and those cards have all been laid out nice and neat.

1 Time: Alexander Hamilton and the Federalists set things in motion beginning 1787... the plan is coming to fruition over 200 years later.

2 Patience: Generation after generation picked up the torch and carried it under various names, under the training and tutelage of Government School Systems, Rhodes Scholarships, Reconstructionist's History, "Noble" Organizations, and Nationalism.

3 Subversion: Eroding liberty and seeking to attain their goals under the guise of "ending slavery", "preserving the Union", "ending the depression", "fighting tyranny", "General Welfare", the "War on Poverty", or the "War on Terror".

4 Credibility: Hamilton is on the \$10, Lincoln is on the \$5, modern bringers of the "New World Order" are Rhodes Scholars, Justices, Presidents, Congressmen, Senators, givers of Charity, and members of the media you invite into your home every single day via TV and Radio.

5 Motivation: It is always packaged to sound so good "Emancipation Proclamation", "Reconstruction, "New Deal", "Great Society", or "New World Order".

Now consider the words President Bush used in 1991: "*A world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders.*"

Remember who those founders were... Marxists and World Federalists.

Perhaps all of this goes a long way to explaining why President George W. Bush (our current President) referred to the US Constitution as "just a goddamn piece of paper".

After all, these men have been wiping themselves with it for a very long time.

Sources: Time Magazine: March 17, 1941:

<http://www.time.com/time/magazine/article/0,9171,765254,00.html>

Government Website:

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<http://www.loc.gov/rr/mss/text/atlantic.html>

Streit Council:

[http://www.streitcouncil.org/content/about\\_us/History/atlantic\\_union.html](http://www.streitcouncil.org/content/about_us/History/atlantic_union.html)

The Rockefeller File by Gary Allen

[http://www.mega.nu:8080/ampp/gary\\_allen\\_rocker/index.html#metatop](http://www.mega.nu:8080/ampp/gary_allen_rocker/index.html#metatop)

Wikipedia

[www.wikipedia.com](http://www.wikipedia.com)

## **Historical Documents**

What follows is the text of pertinent historical documents. Included are the following:

The Declaration of Independence The Articles of Confederation The Constitution of the United States of America The Constitution of the Confederate States of America The Constitution of the Republic of Texas The 1845 Constitution of the State of Texas The 1861 Constitution of the State of Texas The Reconstruction Acts

# **IN CONGRESS, JULY 4, 1776 The unanimous Declaration of the thirteen united States of America**

When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected, whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. He has affected to render the Military independent of and superior to the Civil Power. He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged

by our laws; giving his Assent to their Acts of pretended Legislation: For quartering large bodies of armed troops among us: For protecting them, by a mock Trial from punishment for any Murders which they should commit on the

Inhabitants of these States: For cutting off our Trade with all parts of the world: For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefit of Trial by Jury: For transporting us beyond Seas to be tried for pretended offences: For abolishing the free System of English Laws in a neighbouring Province, establishing therein an

Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument

for introducing the same absolute rule into these Colonies For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty & Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country,

to become the executioners of their friends and Brethren, or to fall themselves by their Hands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States, that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. — And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

— John Hancock

New Hampshire: Josiah Bartlett, William Whipple, Matthew Thornton

Massachusetts: John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island: Stephen Hopkins, William Ellery

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware: Caesar Rodney, George Read, Thomas McKean

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia: George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

North Carolina: William Hooper, Joseph Hewes, John Penn

South Carolina: Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton

Georgia: Button Gwinnett, Lyman Hall, George Walton

# ARTICLES OF CONFEDERATION

Agreed to by Congress November 15, 1777 then ratified and in force, March 1, 1781.

## Preamble

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

## Article I.

The Style of this confederacy shall be "The United States of America."

## Article II.

Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

## Article III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

## Article IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each state shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the United States, or either of them.

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If any person guilty of or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the United States, he shall upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other state.

## Article V.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

## Article VI.

No state without the Consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, or alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled,

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specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

## Article VII.

When land forces are raised by any state for the common defense, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

## Article VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to

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such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

## Article IX.

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article- of sending and receiving ambassadors- entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever- of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated- of granting letters of marque and reprisal in times of peace- appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following:- Whenever the legislative or executive authority or lawful agent State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the

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authority of such court, or to appear to defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward;" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States- fixing the standard of weights and measures throughout the United States.- regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any state within its own limits be not infringed or violated- establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office- appointing all officers of the land forces, in the service of the United States, excepting regimental officers- appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States -making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "A Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction- to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses- to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,- to build and equip a navy- to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each State shall

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appoint the regimental officers, raise the men and clothe, arm and equip them in a soldier like manner, at the expense of the United States, and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

## **Article X.**

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

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## Article XI.

Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

## Article XII.

All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

## Article XIII.

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

## Conclusion

And whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union, KNOW YE that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

## Signatories

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth Day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-eight, and in the third year of the Independence of America.

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**Agreed to by Congress November 15, 1777 then ratified and in force, March 1, 1781.**

On the part and behalf of the State of New Hampshire: Josiah Bartlett John Wentworth Junior

On the part and behalf of The State of Massachusetts Bay: John Hancock Francis Dana Samuel Adams James Lovell Elbridge Gerry Samuel Holten

On the part and behalf of the State of Rhode Island and Providence Plantations: William Ellery John Collins Henry Marchant

On the part and behalf of the State of Connecticut: Roger Sherman Titus Hosmer Samuel Huntington Andrew Adams Oliver Wolcott

On the Part and Behalf of the State of New York: James Duane William Duer Francis Lewis Gouverneur Morris

On the Part and in Behalf of the State of New Jersey: Jonathan Witherspoon Nathaniel Scudder

On the part and behalf of the State of Pennsylvania: Robert Morris William Clingan Daniel Roberdeau Joseph Reed John Bayard Smith

On the part and behalf of the State of Delaware: Thomas Mckean John Dickinson Nicholas Van Dyke

# **ARTICLES OF CONFEDERATION**

**Agreed to by Congress November 15, 1777 then ratified and in force, March 1, 1781.**

On the part and behalf of the State of Maryland: John Hanson Daniel Carroll

On the Part and Behalf of the State of Virginia: Richard Henry Lee Jonathan Harvie John Banister Francis Lightfoot Lee Thomas Adams

On the part and Behalf of the State of No Carolina: John Penn Corns Harnett Jonathan Williams

On the part and behalf of the State of South Carolina: Henry Laurens Richard Hutson William Henry Drayton Thomas Heyward Junior Jonathan Matthews

On the part and behalf of the State of Georgia: Jonathan Walton Edward Telfair Edward Langworthy

# THE UNITED STATES CONSTITUTION

*(See Note 1)*

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## **Article. I.**

### **Section 1.**

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### **Section. 2.**

Clause 1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Clause 2: No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Clause 3: Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. *(See Note 2)* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Clause 4: When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

Clause 5: The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

### **Section. 3.**

Clause 1: The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, (*See Note 3*) for six Years; and each Senator shall have one Vote.

Clause 2: Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies. (*See Note 4*)

Clause 3: No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

Clause 4: The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

Clause 5: The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

Clause 6: The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Clause 7: Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

### **Section. 4.**

Clause 1: The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Clause 2: The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, (*See Note 5*) unless they shall by Law appoint a different Day.

### **Section. 5.**

Clause 1: Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Clause 2: Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Clause 3: Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Clause 4: Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

## **Section. 6.**

Clause 1: The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. (*See Note 6*) They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, 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.

Clause 2: No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

## **Section. 7.**

Clause 1: All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Clause 2: Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Clause 3: Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

## **Section. 8.**

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 2: To borrow Money on the credit of the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7: To establish Post Offices and post Roads;

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 9: To constitute Tribunals inferior to the supreme Court;

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13: To provide and maintain a Navy;

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## **Section. 9.**

Clause 1: The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Clause 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Clause 3: No Bill of Attainder or ex post facto Law shall be passed.

Clause 4: No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken. (*See Note 7*)

Clause 5: No Tax or Duty shall be laid on Articles exported from any State.

Clause 6: No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

Clause 7: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Clause 8: No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

## **Section. 10.**

Clause 1: No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Clause 2: No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

Clause 3: No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## **Article. II.**

### **Section. 1.**

Clause 1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Clause 2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Clause 3: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President. (*See Note 8*)

Clause 4: The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Clause 5: No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

Clause 6: In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, (*See Note 9*) the Same shall devolve on the VicePresident, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Clause 7: The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Clause 8: Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

## **Section. 2.**

Clause 1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Clause 2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Clause 3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

### **Section. 3.**

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

### **Section. 4.**

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## **Article. III.**

### **Section. 1.**

The judicial Power of the United States, 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, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### **Section. 2.**

Clause 1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State; (*See Note 10*)--between Citizens of different States, --between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Clause 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Clause 3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### **Section. 3.**

Clause 1: Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

Clause 2: The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## **Article. IV.**

### **Section. 1.**

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

### **Section. 2.**

Clause 1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Clause 2: A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

Clause 3: No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

*(See Note 11)*

### **Section. 3.**

Clause 1: New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Clause 2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

## **Section. 4.**

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## **Article. V.**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

## **Article. VI.**

Clause 1: All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Clause 2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Clause 3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## **Article. VII.**

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

GO WASHINGTON--Presidt. and deputy from Virginia

[Signed also by the deputies of twelve States.]

Delaware

Geo: Read Gunning Bedford jun John Dickinson Richard Bassett Jaco: Broom

Maryland

James MCHenry Dan of ST ThoS. Jenifer DanL Carroll.

Virginia

John Blair-James Madison Jr.

North Carolina

WM Blount RichD. Dobbs Spaight. Hu Williamson

South Carolina

J. Rutledge Charles 1ACotesworth Pinckney Charles Pinckney Pierce Butler.

Georgia

William Few Abr Baldwin New Hampshire John Langdon

Nicholas Gilman Massachusetts Nathaniel Gorham

Rufus King Connecticut

WM. SamL. Johnson Roger Sherman New York Alexander Hamilton New Jersey Wil: Livingston  
David Brearley. WM. Paterson.

Jona: Dayton

Pennsylvania

B Franklin Thomas

Mifflin RobT Morris

Geo. Clymer ThoS.

FitzSimons Jared

Ingersoll James

Wilson. Gouv Morris

Attest William Jackson Secretary

## NOTES

Note 1: This text of the Constitution follows the engrossed copy signed by Gen. Washington and the deputies from 12 States. The small superior figures preceding the paragraphs designate Clauses, and were not in the original and have no reference to footnotes.

The Constitution was adopted by a convention of the States on September 17, 1787, and was subsequently ratified by the several States, on the following dates: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788.

Ratification was completed on June 21, 1788.

The Constitution was subsequently ratified by Virginia, June 25, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790; and Vermont, January 10, 1791.

In May 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the Second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 25, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

Note 2: The part of this Clause relating to the mode of apportionment of representatives among the several States has been affected by Section 2 of amendment XIV, and as to taxes on incomes without apportionment by amendment XVI.

Note 3: This Clause has been affected by Clause 1 of amendment XVII.

Note 4: This Clause has been affected by Clause 2 of amendment XVIII.

Note 5: This Clause has been affected by amendment XX.

Note 6: This Clause has been affected by amendment XXVII.

Note 7: This Clause has been affected by amendment XVI.

Note 8: This Clause has been superseded by amendment XII.

Note 9: This Clause has been affected by amendment XXV.

Note 10: This Clause has been affected by amendment XI.

Note 11: This Clause has been affected by amendment XIII.

Note 12: The first ten amendments to the Constitution of the United States (and two others, one of which failed of ratification and the other which later became the 27th amendment) were proposed to the legislatures of the several States by the First Congress on September 25, 1789. The first ten amendments were ratified by the following States, and the notifications of ratification by the Governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19,

1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; New York, February 24, 1790; Pennsylvania, March 10, 1790; Rhode Island, June 7, 1790; Vermont, November 3, 1791; and Virginia, December 15, 1791.

Ratification was completed on December 15, 1791.

The amendments were subsequently ratified by the legislatures of Massachusetts, March 2, 1939; Georgia, March 18, 1939; and Connecticut, April 19, 1939. Note 13: Only the 13th, 14th, 15th, and 16th articles of amendment had numbers assigned to them at

the time of ratification. Note 14: This sentence has been superseded by section 3 of amendment XX. Note 15: See amendment XIX and section 1 of amendment XXVI. Note 16: Repealed by section 1 of amendment XXI.

## Amendments to the Constitution

ARTICLES IN ADDITION TO, AND AMENDMENTS OF, THE [CONSTITUTION OF THE UNITED STATES OF AMERICA](#), PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION  
(*See Note 12*)

### **Article [I.]** (*See Note 13*)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### **Article [II.]**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### **Article [III.]**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### **Article [IV.]**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## **Article [V.]**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## **Article [VI.]**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## **Article [VII.]**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## **Article [VIII.]**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## **Article [IX.]**

The enumeration in the [Constitution](#), of certain rights, shall not be construed to deny or disparage others retained by the people.

## **Article [X.]**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

## [Article XI.]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

### Proposal and Ratification

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress, on the 4th of March 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States. The dates of ratification were: New York, March 27, 1794; Rhode Island, March 31, 1794; Connecticut, May 8, 1794; New Hampshire, June 16, 1794; Massachusetts, June 26, 1794; Vermont, between October 9, 1794 and November 9, 1794; Virginia, November 18, 1794; Georgia, November 29, 1794; Kentucky, December 7, 1794; Maryland, December 26, 1794; Delaware, January 23, 1795; North Carolina, February 7, 1795.

Ratification was completed on February 7, 1795.

The amendment was subsequently ratified by South Carolina on December 4, 1797. New Jersey and Pennsylvania did not take action on the amendment.

## [Article XII.]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. (*See Note 14*)--The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

**Proposal and Ratification** The twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Eighth Congress, on the 9th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of 13 of the 17 States. The dates of ratification were: North Carolina, December 21, 1803; Maryland, December 24, 1803; Kentucky, December 27, 1803; Ohio, December 30, 1803; Pennsylvania, January 5, 1804; Vermont, January 30, 1804; Virginia, February 3, 1804; New York, February 10, 1804; New Jersey, February 22, 1804; Rhode Island, March 12, 1804; South Carolina, May 15, 1804; Georgia, May 19, 1804; New Hampshire, June 15, 1804.

Ratification was completed on June 15, 1804.

The amendment was subsequently ratified by Tennessee, July 27, 1804.

The amendment was rejected by Delaware, January 18, 1804; Massachusetts, February 3, 1804; Connecticut, at its session begun May 10, 1804.

## **Article XIII.**

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

### **Proposal and Ratification**

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-eighth Congress, on the 31st day of January, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six States. The dates of ratification were: Illinois, February 1, 1865; Rhode Island, February 2, 1865; Michigan, February 2, 1865; Maryland, February 3, 1865; New York, February 3, 1865; Pennsylvania, February 3, 1865; West Virginia, February 3, 1865; Missouri, February 6, 1865; Maine, February 7, 1865; Kansas, February 7, 1865; Massachusetts, February 7, 1865; Virginia, February 9, 1865; Ohio, February 10, 1865; Indiana, February 13, 1865; Nevada, February 16, 1865; Louisiana, February 17, 1865; Minnesota, February 23, 1865; Wisconsin, February 24, 1865; Vermont, March 9, 1865; Tennessee, April 7, 1865; Arkansas, April 14, 1865; Connecticut, May 4, 1865; New Hampshire, July 1, 1865; South Carolina, November 13, 1865; Alabama, December 2, 1865; North Carolina, December 4, 1865; Georgia, December 6, 1865.

Ratification was completed on December 6, 1865.

The amendment was subsequently ratified by Oregon, December 8, 1865; California, December 19, 1865; Florida, December 28, 1865 (Florida again ratified on June 9, 1868, upon its adoption of a new constitution); Iowa, January 15, 1866; New Jersey, January 23, 1866 (after having rejected the amendment on March 16, 1865); Texas, February 18, 1870; Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1865); Kentucky, March 18, 1976 (after having rejected it on February 24, 1865).

The amendment was rejected (and not subsequently ratified) by Mississippi, December 4, 1865.

## **Article XIV.**

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, (See Note 15) and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### Proposal and Ratification

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Thirty-ninth Congress, on the 13th of June, 1866. It was declared, in a certificate of the Secretary of State dated July 28, 1868 to have been ratified by the legislatures of 28 of the 37 States. The dates of ratification were: Connecticut, June 25, 1866; New Hampshire, July 6, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866 (subsequently the legislature rescinded its ratification, and on March 24, 1868, readopted its resolution of rescission over the Governor's veto, and on Nov. 12, 1868, expressed support for the amendment); Oregon, September 19, 1866 (and rescinded its ratification on October 15, 1868); Vermont, October 30, 1866; Ohio, January 4, 1867 (and rescinded its ratification on January 15, 1868); New York, January 10, 1867; Kansas, January 11, 1867; Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 16, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 25, 1867; Rhode Island, February 7, 1867; Wisconsin, February 7, 1867; Pennsylvania, February 12, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 16, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 4, 1868 (after having rejected it on December 14, 1866); Louisiana, July 9, 1868 (after having rejected it on February 6, 1867); South Carolina, July 9, 1868 (after having rejected it on December 20, 1866).

Ratification was completed on July 9, 1868.

The amendment was subsequently ratified by Alabama, July 13, 1868; Georgia, July 21, 1868 (after having rejected it on November 9, 1866); Virginia, October 8, 1869 (after having rejected it on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected it on October 27, 1866); Delaware, February 12, 1901 (after having rejected it on February 8, 1867); Maryland, April 4, 1959 (after having rejected it on March 23, 1867); California, May 6, 1959; Kentucky, March 18, 1976 (after having rejected it on January 8, 1867).

## **Article XV.**

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

### **Proposal and Ratification**

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Fortieth Congress, on the 26th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the thirty-seven States. The dates of ratification were: Nevada, March 1, 1869; West Virginia, March 3, 1869; Illinois, March 5, 1869; Louisiana, March 5, 1869; North Carolina, March 5, 1869; Michigan, March 8, 1869; Wisconsin, March 9, 1869; Maine, March 11, 1869; Massachusetts, March 12, 1869; Arkansas, March 15, 1869; South Carolina, March 15, 1869; Pennsylvania, March 25, 1869; New York, April 14, 1869 (and the legislature of the same State passed a resolution January 5, 1870, to withdraw its consent to it, which action it rescinded on March 30, 1870); Indiana, May 14, 1869; Connecticut, May 19, 1869; Florida, June 14, 1869; New Hampshire, July 1, 1869; Virginia, October 8, 1869; Vermont, October 20, 1869; Missouri, January 7, 1870; Minnesota, January 13, 1870; Mississippi, January 17, 1870; Rhode Island, January 18, 1870; Kansas, January 19, 1870; Ohio, January 27, 1870 (after having rejected it on April 30, 1869); Georgia, February 2, 1870; Iowa, February 3, 1870.

Ratification was completed on February 3, 1870, unless the withdrawal of ratification by New York was effective; in which event ratification was completed on February 17, 1870, when Nebraska ratified.

The amendment was subsequently ratified by Texas, February 18, 1870; New Jersey, February 15, 1871 (after having rejected it on February 7, 1870); Delaware, February 12, 1901 (after having rejected it on March 18, 1869); Oregon, February 24, 1959; California, April 3, 1962 (after having rejected it on January 28, 1870); Kentucky, March 18, 1976 (after having rejected it on March 12, 1869).

The amendment was approved by the Governor of Maryland, May 7, 1973; Maryland having previously rejected it on February 26, 1870.

The amendment was rejected (and not subsequently ratified) by Tennessee, November 16, 1869.

## **Article XVI.**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### **Proposal and Ratification**

The sixteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-first Congress on the 12th of July, 1909, and was declared, in a proclamation of the Secretary of State, dated the 25th of February, 1913, to have been ratified by 36 of the 48 States. The dates of ratification were: Alabama, August 10, 1909; Kentucky, February 8, 1910; South Carolina, February 19, 1910; Illinois, March 1, 1910; Mississippi, March 7, 1910; Oklahoma, March 10, 1910; Maryland, April 8, 1910;

Georgia, August 3, 1910; Texas, August 16, 1910; Ohio, January 19, 1911; Idaho, January 20, 1911; Oregon, January 23, 1911; Washington, January 26, 1911; Montana, January 30, 1911; Indiana, January 30, 1911; California, January 31, 1911; Nevada, January 31, 1911; South Dakota, February 3, 1911; Nebraska, February 9, 1911; North Carolina, February 11, 1911; Colorado, February 15, 1911; North Dakota, February 17, 1911; Kansas, February 18, 1911; Michigan, February 23, 1911; Iowa, February 24, 1911; Missouri, March 16, 1911; Maine, March 31, 1911; Tennessee, April 7, 1911; Arkansas, April 22, 1911 (after having rejected it earlier); Wisconsin, May 26, 1911; New York, July 12, 1911; Arizona, April 6, 1912; Minnesota, June 11, 1912; Louisiana, June 28, 1912; West Virginia, January 31, 1913; New Mexico, February 3, 1913.

Ratification was completed on February 3, 1913.

The amendment was subsequently ratified by Massachusetts, March 4, 1913; New Hampshire, March 7, 1913 (after having rejected it on March 2, 1911).

The amendment was rejected (and not subsequently ratified) by Connecticut, Rhode Island, and Utah.

## **[Article XVII.]**

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

### Proposal and Ratification

The seventeenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-second Congress on the 13th of May, 1912, and was declared, in a proclamation of the Secretary of State, dated the 31st of May, 1913, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Iowa, January 30, 1913; Montana, January 30, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Colorado, February 5, 1913; Nevada, February 6, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 8, 1913; Arkansas, February 11, 1913; Maine, February 11, 1913; Illinois, February 13, 1913; North Dakota, February 14, 1913; Wisconsin, February 18, 1913; Indiana, February 19, 1913; New Hampshire, February 19, 1913; Vermont, February 19, 1913; South Dakota, February 19, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; Missouri, March 7, 1913; New Mexico, March 13, 1913; Nebraska, March 14, 1913; New Jersey, March 17, 1913; Tennessee, April 1, 1913; Pennsylvania, April 2, 1913; Connecticut, April 8, 1913.

Ratification was completed on April 8, 1913.

The amendment was subsequently ratified by Louisiana, June 11, 1914.

The amendment was rejected by Utah (and not subsequently ratified) on February 26, 1913.

## **Article [XVIII].(See Note 16)**

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Proposal and Ratification

The eighteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-fifth Congress, on the 18th of December, 1917, and was declared, in a proclamation of the Secretary of State, dated the 29th of January, 1919, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Mississippi, January 8, 1918; Virginia, January 11, 1918; Kentucky, January 14, 1918; North Dakota, January 25, 1918; South Carolina, January 29, 1918; Maryland, February 13, 1918; Montana, February 19, 1918; Texas, March 4, 1918; Delaware, March 18, 1918; South Dakota, March 20, 1918; Massachusetts, April 2, 1918; Arizona, May 24, 1918; Georgia, June 26, 1918; Louisiana, August 3, 1918; Florida, December 3, 1918; Michigan, January 2, 1919; Ohio, January 7, 1919; Oklahoma, January 7, 1919; Idaho, January 8, 1919; Maine, January 8, 1919; West Virginia, January 9, 1919; California, January 13, 1919; Tennessee, January 13, 1919; Washington, January 13, 1919; Arkansas, January 14, 1919; Kansas, January 14, 1919; Alabama, January 15, 1919; Colorado, January 15, 1919; Iowa, January 15, 1919; New Hampshire, January 15, 1919; Oregon, January 15, 1919; Nebraska, January 16, 1919; North Carolina, January 16, 1919; Utah, January 16, 1919; Missouri, January 16, 1919; Wyoming, January 16, 1919.

Ratification was completed on January 16, 1919. See *Dillon v. Gloss*, 256 U.S. 368, 376 (1921).

The amendment was subsequently ratified by Minnesota on January 17, 1919; Wisconsin, January 17, 1919; New Mexico, January 20, 1919; Nevada, January 21, 1919; New York, January 29, 1919; Vermont, January 29, 1919; Pennsylvania, February 25, 1919; Connecticut, May 6, 1919; and New Jersey, March 9, 1922.

The amendment was rejected (and not subsequently ratified) by Rhode Island.

## **Article [XIX].**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

## Proposal and Ratification

The nineteenth amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Sixty-sixth Congress, on the 4th of June, 1919, and was declared, in a proclamation of the Secretary of State, dated the 26th of August, 1920, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Illinois, June 10, 1919 (and that State readopted its resolution of ratification June 17, 1919); Michigan, June 10, 1919; Wisconsin, June 10, 1919; Kansas, June 16, 1919; New York, June 16, 1919; Ohio, June 16, 1919; Pennsylvania, June 24, 1919; Massachusetts, June 25, 1919; Texas, June 28, 1919; Iowa, July 2, 1919; Missouri, July 3, 1919; Arkansas, July 28, 1919; Montana, August 2, 1919; Nebraska, August 2, 1919; Minnesota, September 8, 1919; New Hampshire, September 10, 1919; Utah, October 2, 1919; California, November 1, 1919; Maine, November 5, 1919; North Dakota, December 1, 1919; South Dakota, December 4, 1919; Colorado, December 15, 1919; Kentucky, January 6, 1920; Rhode Island, January 6, 1920; Oregon, January 13, 1920; Indiana, January 16, 1920; Wyoming, January 27, 1920; Nevada, February 7, 1920; New Jersey, February 9, 1920; Idaho, February 11, 1920; Arizona, February 12, 1920; New Mexico, February 21, 1920; Oklahoma, February 28, 1920; West Virginia, March 10, 1920; Washington, March 22, 1920; Tennessee, August 18, 1920.

Ratification was completed on August 18, 1920.

The amendment was subsequently ratified by Connecticut on September 14, 1920 (and that State reaffirmed on September 21, 1920); Vermont, February 8, 1921; Delaware, March 6, 1923 (after having rejected it on June 2, 1920); Maryland, March 29, 1941 (after having rejected it on February 24, 1920, ratification certified on February 25, 1958); Virginia, February 21, 1952 (after having rejected it on February 12, 1920); Alabama, September 8, 1953 (after having rejected it on September 22, 1919); Florida, May 13, 1969; South Carolina, July 1, 1969 (after having rejected it on January 28, 1920, ratification certified on August 22, 1973); Georgia, February 20, 1970 (after having rejected it on July 24, 1919); Louisiana, June 11, 1970 (after having rejected it on July 1, 1920); North Carolina, May 6, 1971; Mississippi, March 22, 1984 (after having rejected it on March 29, 1920).

## Article [XX.]

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

#### Proposal and Ratification

The twentieth amendment to the Constitution was proposed to the legislatures of the several states by the Seventy-Second Congress, on the 2d day of March, 1932, and was declared, in a proclamation by the Secretary of State, dated on the 6th day of February, 1933, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Virginia, March 4, 1932; New York, March 11, 1932; Mississippi, March 16, 1932; Arkansas, March 17, 1932; Kentucky, March 17, 1932; New Jersey, March 21, 1932; South Carolina, March 25, 1932; Michigan, March 31, 1932; Maine, April 1, 1932; Rhode Island, April 14, 1932; Illinois, April 21, 1932; Louisiana, June 22, 1932; West Virginia, July 30, 1932; Pennsylvania, August 11, 1932; Indiana, August 15, 1932; Texas, September 7, 1932; Alabama, September 13, 1932; California, January 4, 1933; North Carolina, January 5, 1933; North Dakota, January 9, 1933; Minnesota, January 12, 1933; Arizona, January 13, 1933; Montana, January 13, 1933; Nebraska, January 13, 1933; Oklahoma, January 13, 1933; Kansas, January 16, 1933; Oregon, January 16, 1933; Delaware, January 19, 1933; Washington, January 19, 1933; Wyoming, January 19, 1933; Iowa, January 20, 1933; South Dakota, January 20, 1933; Tennessee, January 20, 1933; Idaho, January 21, 1933; New Mexico, January 21, 1933; Georgia, January 23, 1933; Missouri, January 23, 1933; Ohio, January 23, 1933; Utah, January 23, 1933.

Ratification was completed on January 23, 1933.

The amendment was subsequently ratified by Massachusetts on January 24, 1933; Wisconsin, January 24, 1933; Colorado, January 24, 1933; Nevada, January 26, 1933; Connecticut, January 27, 1933; New Hampshire, January 31, 1933; Vermont, February 2, 1933; Maryland, March 24, 1933; Florida, April 26, 1933.

## **Article [XXI.]**

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

#### Proposal and Ratification

The twenty-first amendment to the Constitution was proposed to the several states by the Seventy-Second Congress, on the 20th day of February, 1933, and was declared, in a proclamation by the Secretary of State, dated on the 5th day of December, 1933, to have been ratified by 36 of the 48 States. The dates of ratification were: Michigan, April 10, 1933; Wisconsin, April 25, 1933; Rhode Island, May 8, 1933; Wyoming, May 25, 1933; New Jersey, June 1, 1933; Delaware, June 24, 1933; Indiana, June 26, 1933; Massachusetts, June 26, 1933; New York, June 27, 1933; Illinois, July 10, 1933; Iowa, July

## **Amendment XXII**

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

## **Amendment XXIII**

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## **Amendment XXIV**

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## **Amendment XXV**

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## **Amendment XXVI**

Section 1. The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

## **Amendment XXVII**

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

## **NOTES**

Note 1: This text of the Constitution follows the engrossed copy signed by Gen. Washington and the deputies from 12 States. The small superior figures preceding the paragraphs designate Clauses, and were not in the original and have no reference to footnotes.

The Constitution was adopted by a convention of the States on September 17, 1787, and was subsequently ratified by the several States, on the following dates: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788.

Ratification was completed on June 21, 1788.

The Constitution was subsequently ratified by Virginia, June 25, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790; and Vermont, January 10, 1791.

In May 1785, a committee of Congress made a report recommending an alteration in the Articles of Confederation, but no action was taken on it, and it was left to the State Legislatures to proceed in the matter. In January 1786, the Legislature of Virginia passed a resolution providing for the appointment of five commissioners, who, or any three of them, should meet such commissioners as might be appointed in the other States of the Union, at a time and place to be agreed upon, to take into consideration the trade of the United States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act, relative to this great object, as, when ratified by them, will enable the United States in Congress effectually to provide for the same. The Virginia commissioners, after some correspondence, fixed the first Monday in September as the time, and the city of Annapolis as the place for the meeting, but only four other States were represented, viz: Delaware, New York, New Jersey, and Pennsylvania; the commissioners appointed by Massachusetts, New Hampshire, North Carolina, and Rhode Island failed to attend. Under the circumstances of so partial a representation, the commissioners present agreed upon a report, (drawn by Mr. Hamilton, of New York,) expressing their unanimous conviction that it might essentially tend to advance the interests of the Union if the States by which they were respectively delegated would concur, and use their endeavors to procure the concurrence of the other States, in the appointment of commissioners to meet at Philadelphia on the Second Monday of May following, to take into consideration the situation of the United States; to devise such further provisions as should appear to them necessary to render the Constitution of the Federal Government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled as, when agreed to by them and afterwards confirmed by the Legislatures of every State, would effectually provide for the same.

Congress, on the 21st of February, 1787, adopted a resolution in favor of a convention, and the Legislatures of those States which had not already done so (with the exception of Rhode Island) promptly appointed delegates. On the 25th of May, seven States having convened, George Washington, of Virginia, was unanimously elected President, and the consideration of the proposed constitution was commenced. On the 17th of September, 1787, the Constitution as engrossed and agreed upon was signed by all the members present, except Mr. Gerry of Massachusetts, and Messrs. Mason and Randolph, of Virginia. The president of the convention transmitted it to Congress, with a resolution stating how the proposed Federal Government should be put in operation, and an explanatory letter. Congress, on the 28th of September, 1787, directed the Constitution so framed, with the resolutions and letter concerning the same, to "be transmitted to the several Legislatures in order to be submitted to a convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the convention."

On the 4th of March, 1789, the day which had been fixed for commencing the operations of Government under the new Constitution, it had been ratified by the conventions chosen in each State to consider it, as follows: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 25, 1788; and New York, July 26, 1788.

The President informed Congress, on the 28th of January, 1790, that North Carolina had ratified the

Constitution November 21, 1789; and he informed Congress on the 1st of June, 1790, that Rhode Island had ratified the Constitution May 29, 1790. Vermont, in convention, ratified the Constitution January 10, 1791, and was, by an act of Congress approved February 18, 1791, "received and admitted into this Union as a new and entire member of the United States."

Note 2: The part of this Clause relating to the mode of apportionment of representatives among the several States has been affected by Section 2 of amendment XIV, and as to taxes on incomes without apportionment by amendment XVI.

Note 3: This Clause has been affected by Clause 1 of amendment XVII. Note 4: This Clause has been affected by Clause 2 of amendment XVIII. Note 5: This Clause has been affected by amendment XX. Note 6: This Clause has been affected by amendment XXVII. Note 7: This Clause has been affected by amendment XVI.

Note 8: This Clause has been superseded by amendment XII. Note 9: This Clause has been affected by amendment XXV. Note 10: This Clause has been affected by amendment XI. Note 11: This Clause has been affected by amendment XIII. Note 12: The first ten amendments to the Constitution of the United States (and

two others, one of which failed of ratification and the other which later became the 27th amendment) were proposed to the legislatures of the several States by the First Congress on September 25, 1789. The first ten amendments were ratified by the following States, and the notifications of ratification by the Governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; New York, February 24, 1790; Pennsylvania, March 10, 1790; Rhode Island, June 7, 1790; Vermont, November 3, 1791; and Virginia, December 15, 1791.

Ratification was completed on December 15, 1791.

The amendments were subsequently ratified by the legislatures of Massachusetts, March 2, 1939; Georgia, March 18, 1939; and Connecticut, April 19, 1939. Note 13: Only the 13th, 14th, 15th, and 16th articles of amendment had numbers assigned to them at

the time of ratification. Note 14: This sentence has been superseded by section 3 of amendment XX. Note 15: See amendment XIX and section 1 of amendment XXVI. Note 16: Repealed by section 1 of amendment XXI.

This information has been compiled from the U.S. Code. The U.S. Code is published by the Law Revision Counsel of the U.S. House of Representatives.

Updated September 20, 2004

# Constitution of the Confederate States of America

## Preamble

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity -- invoking the favor and guidance of Almighty God -- do ordain and establish this Constitution for the Confederate States of America.

## Article I. - The Legislative Branch

### Section 1 - The Legislature

1. All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

### Section 2 - The House

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.
2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not when elected, be an inhabitant of that State in which he shall be chosen.
3. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.
4. When vacancies happen in the representation from any State the executive authority thereof shall issue writs of election to fill such vacancies.
5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

### **Section 3 - The Senate**

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.
2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or other wise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.
3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, then elected, be an inhabitant of the State for which he shall be chosen.
4. The Vice President of the Confederate States shall be president of the Senate, but shall have no vote unless they be equally divided.
5. The Senate shall choose their other officers; and also a president pro tempore in the absence of the Vice President, or when he shall exercise the office of President of the Confederate states.
6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.
7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

### **Section 4 - Elections, Meetings**

1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.
2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

## **Section 5 - Membership, Rules, Journals, Adjournment**

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.
2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the whole number, expel a member.
3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.
4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

## **Section 6 - Compensation**

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, 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. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

## **Section 7 - Revenue Bills, Legislative Process, Presidential Veto**

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.
2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.
3. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary (except on a question of adjournment) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

## Section 8 - Powers of Congress

The Congress shall have power -

1. To lay and collect taxes, duties, imposts, and excises for revenue, necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States.
2. To borrow money on the credit of the Confederate States.
3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation; in all which cases such duties shall be laid on the navigation facilitated thereby as may be necessary to pay the costs and expenses thereof.
4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same.
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.
6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States.
7. To establish post offices and post routes; but the expenses of the Post Office Department, after the 1st day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues.
8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.
9. To constitute tribunals inferior to the Supreme Court.
10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.
12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.
13. To provide and maintain a navy.
14. To make rules for the government and regulation of the land and naval forces.
15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions.
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the Government of the Confederate States; and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Confederate States, or in any department or officer thereof.

## **Section 9 - Limits on Congress, Bill of Rights**

1. The importation of negroes of the African race from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.
2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy.
3. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.
4. No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves shall be passed.
5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses.
7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.
8. No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
9. Congress shall appropriate no money from the Treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the Government, which it is hereby made the duty of Congress to establish.
10. All bills appropriating money shall specify in Federal currency the exact amount of each appropriation and the purposes for which it is made; and Congress shall grant no extra compensation to any public contractor, officer, agent, or servant, after such contract shall have been made or such service rendered.
11. No title of nobility shall be granted by the Confederate States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.
12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and petition the Government for a redress of grievances.
13. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.
14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.
15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.
17. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.
18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact so tried by a jury shall be otherwise reexamined in any court of the Confederacy, than according to the rules of common law.
19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

## **Section 10 - Powers prohibited of States**

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.
2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports, or exports, shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.
3. No State shall, without the consent of Congress, lay any duty on tonnage, except on seagoing vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue thus derived shall, after making such improvement, be paid into the common treasury. Nor shall any State keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States they may enter into compacts with each other to improve the navigation thereof.

## **Article II. - The Executive Branch**

### **Section 1 - The President**

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be reeligible. The President and Vice President shall be elected as follows:
2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the Confederate States shall be appointed an elector.
3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the Government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President the votes shall be taken by States ~ the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice President shall act as President, as in case of the death, or other constitutional disability of the President.
4. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.
5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President

of the Confederate States.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.
7. No person except a natural-born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.
8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.
9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.
10. Before he enters on the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

## **Section 2 - Civilian Power over Military, Cabinet, Pardon Power, Appointments**

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederate States, except in cases of impeachment.
2. He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.
3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.
4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be reappointed to the same office during their ensuing recess.

## **Section 3 - State of the Union, Convening Congress**

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

#### **Section 4 - Disqualification**

1. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

### **Article III. - The Judicial Branch**

#### **Section 1 - Judicial powers**

1. The judicial power of the Confederate States 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, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

#### **Section 2 - Trial by Jury, Original Jurisdiction, Jury Trials**

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens, or subjects; but no State shall be sued by a citizen or subject of any foreign state.
2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.
3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

#### **Section 3 - Treason**

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.
2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

## **Article IV. - The States**

### **Section 1 - Each State to Honor all others**

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### **Section 2 - State citizens, Extradition**

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.
2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.
3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such slave belongs; or to whom such service or labor may be due.

### **Section 3 - New States**

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.
2. The Congress shall have power to dispose of and make all needful rules and regulations concerning the property of the Confederate States, including the lands thereof.
3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the Territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such Territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.
4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the Legislature or of the Executive when the Legislature is not in session) against domestic violence.

## **Article V. - Amendment**

1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention ~ voting by States ~ and the same be ratified by the Legislatures of two-thirds of the several States, or by conventions in two-thirds thereof ~ as the one or the other mode of ratification may be proposed by the general convention ~ they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

## **Article VI. - The Confederacy**

### **Section 1 - Transition from the Provisional Government**

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified; and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

### **Section 2 - Debts of the Provisional Government**

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

### **Section 3 - Supremacy of the Constitution**

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

#### **Section 4 - Oaths of Office**

4. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

#### **Section 5 - Reservation of unenumerated rights**

5. The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people of the several States.

#### **Section 6 - State powers**

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

### **Article VII. - Ratification**

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.
2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, sitting in Convention at the capitol, in the city of Montgomery, Alabama, on the Eleventh day of March, in the year Eighteen Hundred and Sixty-One.

HOWELL COBB, President of the Congress.

1. South Carolina: R. Barnwell Rhett, C. G. Memminger, Wm. Porcher Miles, James Chesnut, Jr., R. W. Barnwell, William W. Boyce, Lawrence M. Keitt, T. J. Withers.
2. Georgia: Francis S. Bartow, Martin J. Crawford, Benjamin H. Hill, Thos. R. R. Cobb.
3. Florida: Jackson Morton, J. Patton Anderson, Jas. B. Owens.
4. Alabama: Richard W. Walker, Robt. H. Smith, Colin J. McRae, William P. Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, Jno. Gill Shorter, J. L. M. Curry.
5. Mississippi: Alex. M. Clayton, James T. Harrison, William S. Barry, W. S. Wilson, Walker Brooke, W. P. Harris, J. A. P. Campbell.
6. Louisiana: Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Henry Marshall.
7. Texas: John Hemphill, Thomas N. Waul, John H. Reagan, Williamson S. Oldham, Louis T. Wigfall, John Gregg, William Beck Ochiltree.

# THE CONSTITUTION OF THE REPUBLIC OF TEXAS

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

## ARTICLE I.

**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 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 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.

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**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 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

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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 monies 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 nays. If the president shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the congress 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 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 of the republic.

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**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 vive 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 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.

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**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 amount 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,

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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 any 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 abilities preserve, protect, and defend the constitution of the Republic."

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**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 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.

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**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 the 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, 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, 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; Harrisburg 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.

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**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 Harrisburg 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 case 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.

**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.

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**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 slave holder 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.

**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 hear 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 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.

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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 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 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 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 with 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

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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 every thing 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 men 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 the inalienable right to alter their government in such manner as they might 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 libel, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.

**Fifth** . 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.

**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.

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**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 and 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 his 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 obligation on 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 entailments 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.

# THE CONSTITUTION OF THE REPUBLIC OF TEXAS

March 17, 1836

RICHARD ELLIS

*President and Delegate from Red River*

ALBERT H.S. KIMBLE, *Secretary,*

C. B. Stewart, Matthew Caldwell, James Collinsworth, William Motley, Edwin Waller, Lorenzo de Zavala,  
A. Brigham, George W. Smyth, John S. D. Byrom, Stephen H. Everett, Francis Ruis, Elijah Stepp,  
J. Antonio Navarro, Claiborne West, William D. Lacy, John S. Roberts, William Menufee, Robert Hamilton, John Fisher, Collin McKinney,  
A. H. Latimore, Thomas J. Gazley, James Power, R. M. Coleman, Sam. Houston, Sterling C. Robertson, Edward Conrad, George C. Childress, Martin Palmer, Baily Hardiman, James Gaines, Robert Potter, William Clark, jun., Charles Taylor, Sydney O. Pennington, George W. Barnet, Samuel P. Carson, Jesse Grimes, Thomas J. Rusk, E. O. Legrand, William C. Crawford, David Thomas, John Turner, S. Rhoads Fisher, Benjamin Briggs Goodrich, John W. Bower, James G. Swisher, J. B. Woods, William B. Leates, Andrew Briscoe, M. B. Menard, Thomas Barnett,  
A. B. Hardin, Jesse B. Badgett, John W. Bunton, Stephen W. Blount.

## 1845 CONSTITUTION OF THE STATE OF TEXAS.

We, the people of the Republic of Texas, acknowledging with gratitude the grace and beneficence of God, in permitting us to make [a] choice of our form of government, do in accordance with the provisions of the Joint Resolution for annexing Texas to the United States, approved March 1st, one thousand eight hundred and forty-five, ordain and establish this Constitution.

### ARTICLE I.

#### BILL OF RIGHTS.

That the general, great, and essential principles of Liberty and Free Government may be recognised and established we declare that --

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

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

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

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

SECTION 5. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege: and no law shall ever be passed curtailing the liberty of speech or of the press.

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

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

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

SECTION 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption great; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a Judge of the Supreme or District Court, upon the return of the [a] write of habeas corpus, returnable in the county where the offence is committed.

SECTION 10. The privileges of the write of habeas corpus shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

SECTION 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SECTION 12. No person, for the same offence, shall be twice put in jeopardy of life or limb, nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SECTION 13. Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.

SECTION 14. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts shall be made, and no person's property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

SECTION 15. No person shall ever be imprisoned for debt.

SECTION 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SECTION 17. The military shall at all times be subordinate to the civil authority.

SECTION 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed: nor shall the law of primogeniture or entailments ever be in force in this State.

SECTION 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the power[s] of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

SECTION 20. No power of suspending laws in this State shall be exercised, except by the Legislature, or its authority.

SECTION 21. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall for ever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the Government of the State of Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy -- to wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SECTION 1. Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is at the time of the adoption of this Constitution by the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city or town, in which he offers to vote (Indians not taxed, Africans and descendants of Africans excepted), shall be deemed a qualified elector: and should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer, provided that the qualified electors shall be permitted to vote anywhere in the State for State officers, and provided further that no soldier, seaman, or marine in the Army or Navy of the United States, shall be entitled to vote at any election created by this Constitution.

SECTION 2. All free male persons over the age of twenty-one years (Indians not taxed, Africans and descendants of Africans excepted), who shall have resided six months in Texas, immediately preceding the acceptance of this Constitution by the Congress of the United States shall be deemed qualified electors.

SECTION 3. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SECTION 4. The Legislative powers of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together the "Legislature of the State of Texas." The style of the [all] laws shall be, "Be it enacted by the Legislature of the State of Texas."

SECTION 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

SECTION 6. No person shall be a Representative, unless he be a citizen of the United States, or at the time of the adoption of this Constitution a citizen of the Republic of Texas, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a citizen of the county, city or town, for which he shall be chosen, and shall have attained the age of twenty-one years, at the time of his election.

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

SECTION 8. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes [as] nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

SECTION 9. Such mode of classifying new additional Senators shall be observed, as will as nearly as possible preserve an equality of number in each class.

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

SECTION 11. No person shall be a Senator unless he be a citizen of the United States, or at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of the Republic of Texas; and shall have been an inhabitant of this State three years next preceding the election; and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years.

SECTION 12. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law: two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

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

SECTION 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present be entered on the journal[s].

SECTION 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

SECTION 16. Senators and Representatives shall, in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such member may reside from the place at which the Legislature is convened.

SECTION 17. Each House may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings: provided, such imprisonment shall not at any one time exceed forty-eight hours.

SECTION 18. The doors of each House shall be kept open.

SECTION 19. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SECTION 20. Bills may originate in either House, and be amended, altered, or rejected by the other; but no bill shall have the force of a law, until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SECTION 21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SECTION 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

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

SECTION 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

SECTION 25. No Judge of any court of law or equity, Secretary of State, Attorney-General, Clerk of any court of record, Sheriff, or Collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature; nor shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit, under this State: provided, that officers\* of the militia, to which there is attached no annual salary, or the office of Justice of the Peace shall not be deemed lucrative.

\*In the original, a pencil mark is drawn through the letter r in the word officers.

SECTION 26. No person who at any time may have been a Collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have [been] entrusted.

SECTION 27. 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 denominations whatever, shall be eligible to the Legislature.

SECTION 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SECTION 29. The Legislature shall at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of Representatives shall at the several periods of making such enumeration be fixed by Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

SECTION 30. Until the first enumeration and apportionment under this Constitution, the following shall be the apportionment of Representatives amongst the several counties, viz.:

The county of Montgomery shall elect four Representatives; the counties [of] Red River, Harrison, Nacogdoches, Harris and Washington, shall elect three Representatives each; the counties of Fannin, Lamar, Bowie, Shelby, San Augustine, Rusk, Houston, Sabine, Liberty, Robertson, Galveston, Brazoria, Fayette, Colorado, Austin, Gonzales and Bexar, two Representatives each; the counties of Jefferson, Jasper, Brazos, Milam, Bastrop, Travis, Matagorda, Jackson, Fort Bend, Victoria, Refugio, Goliad and San Patricio, one Representative each.

SECTION 31. The whole number of Senators shall at the next sessions after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

SECTION 32. Until the first enumeration, as provided for by this Constitution, the Senatorial districts shall be as follows, to wit: the counties of Fannin and Lamar shall constitute the first district, and shall elect one Senator; the counties of Red River and Bowie the second district, and elect one Senator; the counties of Fannin, Lamar, Red River and Bowie, conjointly shall elect one Senator; the county of Harrison, the third district, shall elect one Senator; the counties of Nacogdoches, Rusk, and Houston, the fourth district, shall elect two Senators; the counties of San Augustine and Shelby, the fifth district, shall elect one Senator; the counties of Sabine and Jasper, the sixth district, shall elect one Senator; the counties of Liberty and Jefferson, the seventh district, shall elect one Senator; the counties of Robertson and Brazos, the eighth district, shall elect one Senator; the county of Montgomery, the ninth district, shall elect one Senator; the county of Harris, the tenth district, shall elect one Senator; the county of Galveston, the eleventh district, shall elect one Senator; the counties of Brazoria and Matagorda, the twelfth district, shall elect one Senator; the counties of Austin and Fort Bend, the thirteenth district, shall elect one Senator; the counties of Colorado and Fayette, the fourteenth district, shall elect one Senator; the counties of Bastrop and Travis, the fifteenth district, shall elect one Senator; the counties of Washington and Milam, the sixteenth district, shall elect one Senator; the counties of Victoria, Gonzales and Jackson, the seventeenth district, shall elect one Senator; the county of Bexar, the eighteenth district, shall elect one Senator; and the counties of Goliad, Refugio and San Patricio, the nineteenth district, shall elect one Senator.

SECTION 33. The first session of the Legislature, after the adoption of this Constitution by the Congress of the United States, shall be held at the City of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period the seat of government shall be permanently located by the people.

SECTION 34. The members of the Legislature shall, at their first session, receive from the Treasury of the State, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles travelling to and from the place of convening the Legislature.

SECTION 35. In order to settle permanently the seat of government, an election shall be holden throughout the State, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty; which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the Governor by the first Monday in June: if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be holden in the same manner, on the first Monday in October one thousand eight hundred and fifty, between the two places, having the highest number of votes at the first election. The election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the seat of government for the time herein before provided.

#### ARTICLE IV.

#### JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

SECTION 3. The Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the limits of the State; but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. And the Supreme Court and Judges thereof shall have power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law may issue writs of mandamus, and such other writs as shall be necessary to enforce its own jurisdiction, and also compel a Judge of the District Court to proceed to trial and judgment in a cause. And the Supreme Court shall hold its sessions once every year, between the months of October and June inclusive, at not more than three places in the State.

SECTION 4. The Supreme Court shall appoint its own Clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SECTION 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

SECTION 6. The State shall be divided into convenient judicial districts. For each district, there shall be elected [appointed] a Judge who shall reside in the same, and hold the Courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

SECTION 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, and the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

SECTION 8. The Judges of the Supreme and District Courts, shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause which shall not be sufficient ground for impeachment: provided however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote shall pass: And in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

SECTION 9. All Judges of the Supreme and District Courts, shall be virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SECTION 10. The District Court shall have original jurisdiction of all criminal cases for all suits in behalf of the State to recover penalties, forfeitures, and escheats, and of all cases of divorce, and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, or the Judges thereof, shall have power to issue all writs, necessary to enforce their own jurisdiction and to\* give them a general superintendence and control over inferior jurisdictions. And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed; except in capital cases, and where the punishment or fine imposed shall be specifically imposed by law.

SECTION 11. There shall be a clerk of the district courts for each county, who shall be elected by the qualified voters for members of the legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury, and conviction by a petit jury. In case of vacancy, the judge of the district shall have the power to appoint a clerk until a regular election shall be held.

SECTION 12. The governor shall nominate, and, by and with the advice and consent of two thirds of the senate, appoint an attorney general, who shall hold his office for two years; and there shall be elected by joint vote of both houses of the legislature a district attorney for each district, who shall hold his office for two years; and the duties, salaries, and perquisites of the attorney general and district attorneys shall be prescribed by law.

SECTION 13. 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 the legislature may direct. Justices of the peace, sheriffs, and coroners, shall be commissioned by the governor. The sheriff shall not be eligible more than four years in every six.

SECTION 14. No judge shall sit in any case wherein he shall be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the supreme court, or any two of its members, shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent appoint a proper person to try the said case; and the Judges of the said courts, may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

\*This word to, in the original, is crossed out by pencil mark

SECTION 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and the District Courts shall have original and appellate jurisdiction, and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law.

SECTION 16. In the trial of all causes in equity in the District Court, the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

SECTION 17. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided for by law.

SECTION 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall upon application to the presiding officer have the right of trial by jury.

SECTION 19. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment (except in cases of contempt) the accused shall have the right of trial by jury.

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

SECTION 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

SECTION 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

SECTION 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified, but shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the United States, or a citizen of the State of Texas, at the time of the adoption of this Constitution, and shall have resided in the same three years immediately preceding his election.

SECTION 5. He shall, at stated times, receive a compensation for his services which shall not be increased or diminished, during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars and no more.

SECTION 6. The Governor shall be Commander-in-chief of the army and navy of this State and of the militia except when they shall be called into the service of the United States.

SECTION 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

SECTION 8. He may by proclamation on extraordinary occasions convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

SECTION 9. He shall from time to time give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SECTION 10. He shall take care that the laws be faithfully executed.

SECTION 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power by and with the advice and consent of the Senate, to grant reprieves and pardons, and he may, in the recess of the Senate, respite the sentence, until the end of the next session of the Legislature.

SECTION 12. There shall also be a Lieutenant-Governor who shall be chosen at every election for Governor, by the same persons, and in the same manner, continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant-Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent, or disabled, shall be acquitted, return, or his disability removed.

SECTION 13. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being, shall in like manner administer the government until he shall be superceded by a Governor or Lieutenant-Governor; the Lieutenant-Governor shall, whilst he acts as President of the Senate receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives, and no more, and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. -- The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

SECTION 14. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

SECTION 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

SECTION 16. There shall be a Secretary of State who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. -- He shall keep a fair register of all official acts and proceedings of the Governor, and shall when required lay the same and all papers, minutes, and vouchers, relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

SECTION 17. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large upon the journals and proceed to reconsider it; if, after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be re-considered; if approved by two-thirds of the members present, of that House, it shall become a law: but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journals of each House respectively; if any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor.

SECTION 18. Every order, resolution or vote, to which the concurrence of both Houses of the Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SECTION 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county, who in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

SECTION 20. Nominations to fill all vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during the session to fill the same office. And should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

SECTION 21. The Governor shall reside during the session of the Legislature, at the place where the sessions may be held, and at all other times whenever, in their opinion the public good may require.

SECTION 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

SECTION 23. A State Treasurer and Comptroller of public accounts shall be biennially elected, by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices, during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

## ARTICLE VI.

### MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States in relation thereto.

SECTION 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SECTION 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

SECTION 4. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and to repel invasions.

## ARTICLE VII.

### GENERAL PROVISIONS.

SECTION 1. Members of the Legislature and all officers, before they enter upon the duties of their offices shall take the following oath or affirmation: "I, (A. B.) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform, all the duties incumbent on me as -----, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State: And I do further solemnly swear (or affirm) that since the adoption of this Constitution by the Congress of the United States, I being a citizen of this State, have not fought a duel with deadly weapons, within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted, any person thus offending -- so help me God."

SECTION 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies -- giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or by his own confession in open court.

SECTION 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SECTION 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and by prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SECTION 5. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within the State or out of it, or who shall act as second, or knowingly aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State.

SECTION 6. In all elections by the people the vote shall be by ballot until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

SECTION 7. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual on a claim real or pretended, where the same shall not have been provided for by pre-existing law: Provided, that nothing in this section shall be so construed as to affect the claims of persons against the Republic of Texas, heretofore existing.

SECTION 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SECTION 9. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

SECTION 10. The duration of all offices not fixed by this Constitution shall never exceed four years.

SECTION 11. Absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected, or appointed to any office, under the exceptions contained in this Constitution.

SECTION 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

SECTION 13. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature or hold or exercise any office of profit or trust under this State.

SECTION 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

SECTION 15. It shall be the duty of the Legislature, to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

SECTION 16. Within five years after the adoption of this Constitution, the laws civil and criminal shall be revised, digested, arranged, and published in such manner as the Legislature shall direct, and a like revision, digest, and publication, shall be made every ten years thereafter.

SECTION 17. No lottery shall be authorized by this State: and the buying or selling of lottery tickets within this State is prohibited.

SECTION 18. No divorce shall be granted by the Legislature.

SECTION 19. All property both real and personal of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separated property: and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SECTION 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, revis[v]ed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

SECTION 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall, remain forever null and void.

SECTION 22. The Legislature shall have power to protect by law from forced sale a certain portion of the property of all heads of families. The homestead of a family not to exceed two hundred acres of land (not including in a town or city) or any town or city lot or lots in value not to exceed two thousand dollars, shall not be subject to forced sale, for any debts hereafter contracted, nor shall the owner if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

SECTION 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

SECTION 24. Every law enacted by the Legislature, shall embrace but one object, and that shall be expressed in the title.

SECTION 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

SECTION 26. No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace.

SECTION 27. Taxation shall be equal and uniform throughout the State. -- All property in this State shall be taxes in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided that the term occupation, shall not be construed to apply to pursuits, either agricultural or mechanical.

SECTION 28. The Legislature shall have power to provide by law for exempting from taxation, two hundred and fifty dollars' worth of the household furniture or other property belonging to each family in this State.

SECTION 29. The Assessor and Collector of taxes, shall be appointed in such manner, and under such regulations, as the Legislature may direct.

SECTION 30. No corporate body shall hereafter be created, renewed, or extended, with banking or discounting privileges.

SECTION 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

SECTION 32. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper to circulate as money.

SECTION 33. The aggregate amount of debts hereafter contracted by the Legislature, shall never exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrections. And in no case shall any amount be borrowed, except by vote of two-thirds of both Houses of the Legislature.

SECTION 34. The Legislature shall at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles (except the county of Bowie) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken until entitled by numbers to the right of separate representation.

SECTION 35. No soldier shall in time of peace be quartered in the house or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SECTION 36. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

#### MODE OF AMENDING THE CONSTITUTION

SEC 37. The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution: which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election of Representatives, for the consideration of the people, and it shall be the duty of the several returning officers, at the next election which shall be thus holden, to open a poll for and make a return to, the Secretary of State, of the names of all those voting for Representatives, who have voted on such proposed amendments, and if thereupon it shall appear that a majority of all the citizens of this State, voting for Representatives have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature, shall after such election, and before another ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this Constitution; Provided, that the said proposed amendments shall at each of the said sessions have been read on three several days, in each House.

#### ARTICLE VIII.

##### SLAVES.

SECTION 1. The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, nor without paying their owners previous to such emancipation, a full equivalent in money for the slaves so emancipated. -- They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves, by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: Provided, that such slave be the bona fide property of such emigrants -- provided also that laws shall be passed to inhibit the introduction into this State of slaves who have committed high crimes in other states or territories. They shall have the right to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to pass laws, which will oblige the owners of slaves to treat them with humanity, to provide for their necessary food and clothing, to abstain from all injuries to them extending to life or limb, and in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves taken from such owner, and sold for the benefit of such owner or owners. They may pass laws to prevent slaves from being brought into this State as merchandize only.

SECTION 2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of an impartial trial by a petit jury.

SECTION 3. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted, in case the like offence had been committed upon a free white person, and on the like proof -- except in case of insurrection of such slave.

## ARTICLE IX.

### IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SECTION 2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, Secretary of State, Treasurer, Comptroller, and of the Judges of the District Courts, shall be tried by the Senate.

SECTION 3. Impeachments of Judges of the Supreme Court, shall be tried by the Senate. -- When sitting as a Court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SECTION 4. Judgment in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honour, trust, or profit, under this State, but the parties convicted shall nevertheless be subject to indictment, trial and punishment, according to law.

SECTION 5. All Officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their Office, during the pendency of such impeachment: The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an Officer, until the decision on the impeachment.

SECTION 6. The Legislature shall provide for the trial, punishment, and removal from Office, of all other Officers of the State by indictment or otherwise.

## ARTICLE X.

### EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SECTION 2. The Legislature shall as early as practicable establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools. and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State passed to the credit of the free common school fund.

SECTION 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political division in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

SECTION 4. The several counties in this State which have not received their quantum of lands for the purposes of education shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.

#### ARTICLE XI.

SECTION 1. All certificates for head-right claims to land, issued to fictitious persons, or which were forged, and all locations and surveys thereon, are, and the same were null and void from the beginning.

SECTION 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights, not recommended by the Commissioners appointed under the act, to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary, and were prescribed by law to sustain the original application for the said certificates, and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates, and all locations and surveys thereon, shall be for ever null and void -- and all re-locations made on such surveys, shall not be disturbed until the certificates are established as above directed.

#### ARTICLE XII.

##### LAND-OFFICE.

SECTION 1. There shall be one general Land-Office in the State, which shall be at the Seat of Government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish from time to time such subordinate offices as they may deem requisite.

#### ARTICLE XIII.

##### SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of separate natural [national] Government to a State Government, it is declared, that all process, which shall be issued in the name of the Republic of Texas, prior to the organization of the State government under this Constitution, shall be as valid as if issued in the name of the State of Texas.

SECTION 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas, shall not be impaired by the change of government, but may be sued for, and recovered in the name of the Governor of the State of Texas, and all criminal prosecutions or penal actions, which shall have arisen, prior to the organization of the State government under this Constitution, in any of the Courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State government under this Constitution shall be transferred to the proper court of the State, which shall have jurisdiction of the subject-matter thereof.

SECTION 3. All laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the joint resolutions for annexing Texas to the United States, or to the provisions of this Constitution, shall continue and remain in force, as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof.

SECTION 4. All fines, penalties, forfeitures, and escheats which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall by law, provide a method for determining what lands may have been forfeited or escheated.

SECTION 5. Immediately after the adjournment of this Convention, the President of the Republic shall issue his proclamation, directing the Chief Justices of the several counties of this Republic, and the several Chief Justices and their associates, are hereby required to cause polls to be opened in their respective counties, at the established precincts, on the second Monday of October next, for the purpose of taking the sense of the people of Texas, in regard to the adoption or rejection of this Constitution, and the votes of all persons entitled to vote under the existing laws or this Constitution shall be received. Each voter shall express his opinion by declaring a "viva voice"\* for "the Constitution accepted" or "the Constitution rejected," or some words clearly expressing the intention of the voter -- and at the same time the vote shall be taken in like manner for and against annexation. The election shall be conducted in conformity with the existing laws regulating elections, and the Chief Justices of the several counties, shall carefully and promptly make duplicate returns of said polls, one of which [shall] be transmitted to the Secretary of State of the Republic of Texas, and the other deposited in the Clerk's Office of the County Court.

\*A pencil line has been drawn through the letter i in the word voice in the original.

SECTION 6. Upon the receipt of the said returns, or on the second Monday of November next, if the returns be not sooner made, it shall be the duty of the President, in presence of such officers of his cabinet as may be present, and of all persons who may choose to attend to compare the votes given for the ratification or rejection of this Constitution, and if it should appear, from the returns, that a majority of all the votes given, is for the adoption of the Constitution, then it shall be the duty of the President to make proclamation of that fact, and thenceforth this Constitution shall be ordained and established as the Constitution of the State, to go into operation, and be of force and effect, from and after the organization of the State government, under this Constitution: and the President of this Republic is authorized and required, to transmit to the President of the United States, duplicate copies of this Constitution, properly authenticated, together with certified statements of the number of votes given for the ratification thereof, and the number for rejection; one of which copies shall be transmitted by mail, and one copy by special messenger, in sufficient time to reach the seat of government of the United States, early in December next.

SECTION 7. Should this Constitution be accepted by the people of Texas, it shall be the duty of the President, on or before, the second Monday in November next, to issue his proclamation directing and requiring elections to be holden in all the counties of this Republic on the third Monday in December next, for the office of Governor, Lieutenant-Governor, members of the Senate and House of Representatives of the State Legislature in accordance with the apportionment of representation directed by this Constitution. The returns for members of the Legislature of this State, shall be made to the Department of State of this Republic, and those for Governor and Lieutenant-Governor, shall be addressed to the Speaker of the House of Representatives, endorsed "Election Returns of ----- County for Governor," and directed to the Department of State; and should from any cause whatever, the Chief Justices of counties fail to cause to be holden any of the polls or elections provided for by this Constitution at the times and places herein directed, the people of the precincts where such failure exists, are are\* hereby authorized to choose managers, judges, and other officers to conduct said elections.

\*This word is crossed out by a pencil mark, upon the original roll.

SECTION 8. Immediately on the President of this Republic receiving official information of the acceptance of this Constitution by the Congress of the United States, he shall issue his proclamation convening at an early day, the Legislature of the State of Texas at the Seat of Government established under this Constitution, and after the said Legislature shall have organized, the Speaker of the House of Representatives, shall in presence of both branches of the Legislature open the returns of the elections, for Governor and Lieutenant-Governor, count and compare the votes, and declare the names of the persons who shall be elected to the offices of Governor, and Lieutenant-Governor, who shall forthwith be enstalled in their respective offices, and the Legislature shall proceed as early as practicable to elect Senators to represent this state in the Senate of the United States; and also provide for the election of Representatives to the Congress of the United States. The Legislature shall also adopt such measures as may be required to cede to the United States, at the proper time, all public edifices, fortifications, barracks, ports, harbours, navy and navy-yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence, now belonging to the Republic of Texas; and to make the necessary preparations for transferring to the said United States, all custom houses and other places for the collection of impost duties and other foreign revenues.

SECTION 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor, to deliver to him all records -- public money, documents, archives, and public property of every description whatsoever, under the control of the executive branch of the government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

SECTION 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic relative to the duties of officers both civil and military of the same, shall remain in full force, and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the State, under this Constitution, or until the first day of the meeting of the Legislature -- That then the offices of President, Vice-President of the President's Cabinet, Foreign Ministers, Charges and agents and others repugnant to this Constitution, shall be superseded by the same, and that all others shall be holden and exercised until they expire by their own limitation, or be superseded by the authority of this Constitution or laws made in pursuance thereof.

SECTION 11. In case of any disability on the part of the President of the Republic of Texas to act as herein required, it shall be the duty of the Secretary of State of the Republic of Texas, and in case of disability on the part of the Secretary of State, then it shall be the duty of the Attorney-General of the Republic of Texas to perform the duties assigned to the President.

SECTION 12. The first general election for Governor, Lieutenant-Governor, and members of the Legislature, after the organization of the government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the Legislature. And the Governor and Lieutenant-Governor, elected in December next, shall hold their offices, until the installation in office of the Governor and Lieutenant-Governor to be elected in the year, one thousand eight hundred and forty-seven.

SECTION 13. The ordinance passed by the Convention on the fourth day of July, assenting to the overtures for the annexation of Texas to the United States, shall be attached to this Constitution and form a part of the same.

Done in Convention by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

Tho. J. Rusk, President

John D. Anderson, James Armstrong, Cavitt Armstrong,

B. C. Bagby,

R. E. B. Baylor,

R. Bache,

I. W. Brashear, Geo. Wm. Brown, Jas. M. Burroughs, Jno. Caldwell, William L. Cazeneau, Edward Clark,

A. S. Cunningham, Phil. M. Cuny, Nicholas H. Darnell, James Davis, Lemuel Dale Evans, Gustavus A.

Everts, Robert M. Forbes, David Gage, John Hemphill,

J. Pinckney Henderson,

A. W. O. Hicks, Jos. L. Hogg,

A. C. Horton, Volney E. Howard, Spearman Holland, Wm. L. Hunter, Van R. Irion, Henry J. Jewett,

Oliver Jones,

H. L. Kinney, Albert H. Latimer, Henry R. Latimer, John M. Lewis, James Love,

P. O. Lumpkin, Sam. Lusk, Abner S. Lipscomb, James S. Mayfield,

A. M'Gowan, Archibald M'Neill,

J. B. Miller, Francis Moore, Jr.,  
J. Antonio Navarro,  
W. B. Ochiltree, Isaac Parker,  
James Power, Emery Rains,  
H. G. Runnels, James Scott, Geo. W. Smyth, Israel Standefer, Chas. Bellinger Steward,  
E. H. Tarrant, Isaac Van Zandt,  
Francis M. White, Geo. T. Wood,  
G. W. Write, Wm. Cock Young.

Attest,

James H. Raymond, Secretary of the  
Convention.

#### AMENDMENT TO THE CONSTITUTION.

SECTION 1. Be it resolved by the Legislature of the State of Texas, That the Constitution of the State of Texas be so altered and amended, that the Judges of the Supreme Court, Judges of the District Courts, Attorney-General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State, and the Commissioner of the General Land Office, shall, at the expiration of their respective terms of office, or in case a vacancy may occur, in either of them, by death, resignation, or otherwise, after this amendment takes effect, and thereafter, be elected by the qualified electors of the State, in the manner prescribed by law.

SECTION 2. Be it further resolved, That the election for District Judges and District Attorneys shall be confined to their respective districts.

Approved, January 16, 1850

AN ORDINANCE.

WHEREAS, various contracts have been entered into by the President of the Republic of Texas, with divers individuals, with the expressed intention of colonizing an enormous amount of the public domain of Texas; and

Whereas, it is believed that said contracts are unconstitutional, and therefore void from the beginning, and if carried out would operate as a monopoly of upwards of seven millions of acres of the public domain of Texas, in the hands of a few individuals -- when, in truth, the citizen soldiers and creditors of the Republic of Texas had, by the laws and Constitution of said Republic, a clear and indisputable previously subsisting right to locate upon the public domain thus attempted to be assigned to said contractors: --

SECTION 1. Therefore it is hereby ordained and declared, That it shall be the duty of the Attorney-General of this State, or the District Attorney of the district in which any portion of the colonies may be situate, as soon as the organization of the State shall be complete, to institute legal proceedings against all colony contractors who have entered into contracts with the President of Texas; and if upon such investigation, it shall be found that any such contract was unconstitutional, illegal or fraudulent, or that the conditions of the same have not been complied with according to its terms, such contract shall be adjudged and decreed null and void: Provided, however, that all actual settlers under any such contract shall be entitled to their quantity of land as colonists -- not to exceed six hundred and forty acres to the head of a family, and three hundred and twenty acres to a single man. And in all suits brought by or against any contractors, or any person claiming under, by or through them, or either of them, it shall be lawful for the adverse claimant to set forth any plea that it would have been competent for the State to plead; and the party may introduce testimony to prove the claim or title to have been forfeited, as well for frauds, or illegality or unconstitutionality, as on account of a failure to comply with the conditions of the original grant or contract; and any such pleas shall be deemed good and valid in law, in all such suit or suits in this State.

SECTION 2. Be it further ordained, That the Legislature is hereby restrained from extending any contract for settling a colony, and from relieving any contractor from the failure of the conditions, or the forfeiture accruing from non-compliance with the contract.

SECTION 3. And be it further enacted, That this ordinance shall be presented to the people for their adoption or rejection, at the same time that this Constitution shall be presented to them, and the returns of the votes taken on this ordinance shall be made to the office of the Secretary of State of the Republic of Texas, at the same time the votes for the Constitution may be returned.

Adopted in Convention, this twenty-seventh day of August, one thousand eight hundred and forty-five. Thos. J. Rusk, President

Attest, James H. Raymond Secretary of the Convention

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Constitution of the State of Texas (1861) Preamble We, the people of the State of Texas, acknowledging, with gratitude, the grace of God, in

permitting us to make choice of our form of government, do ordain and establish this Constitution: ARTICLE I.

BILL OF RIGHTS. That the general, great and essential principles of Liberty and Free Government may be recognised and established, we declare, that--

["SECTION 1. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit= and they have at all times the inalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient; and, therefore, no government or authority can exist or exercise power within the State of Texas, without the consent of the people thereof previously given; nor after that consent be withdrawn."]

NOTE.--The Convention having ordered the address of the committee, (Messrs. Lea, Brown and Stell,) together with the Constitution of the Confederate States of America, to be printed under the supervision of the undersigned, after the adjournment of that body, the State Senate subsequently directed that the Ordinances of the Convention and the State Constitution, as amended, should be printed therewith, under the like supervision. I have, therefore, inserted in brackets, [" "] all the amendments at their appropriate places, and omitted, as obsolete, those sections incidental merely to the transition of government in 1815-6. JOHN HENRY BROWN, Chairman Committee. Austin, April 1st, 1861.

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

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

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

SEC. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.

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

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

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

SEC. 9. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or the presumption is great; but this provision shall not be so construed as to prohibit bail after indictment found, upon examination of the evidence by a Judge of the Supreme or District Court, upon the return of a writ of habeas corpus, returnable in the county where the offence is committed.

SEC. 10. The privilege of the writ of habeas corpus shall not be suspended, except when in case of rebellion or invasion the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offence, shall be twice put in jeopardy of life or limb; nor shall a person be again put upon trial for the same offence after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every citizen shall have the right to keep and bear arms, in the lawful defence of himself or the State.

SEC. 14. No bill of attainder, ex post facto law retroactive law, or any law impairing the obligation of contracts shall be made, and no person=s property shall be taken or applied to public use, without adequate compensation being made, unless by the consent of such person.

SEC. 15. No person shall every be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 19. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other purposes, by petition, address, or remonstrance.

SEC. 20. No power of suspending laws in this State shall be exercised, except by the Legislature, or its authority.

SEC. 21. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of the government, and shall for ever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas, shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy--to wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power, properly attached to either of the others, except in the instances herein expressly permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

["SECTION 1. That all persons who were citizens of the State of Texas on the second day of March, eighteen hundred and sixty-one; all persons born after that time, of parents, citizens of this State; all persons born in this State of parents residing in and entitled to acquire the rights of citizenship; all citizens of either of the Confederate States of America, or of any State which may hereafter be admitted into union with the Confederate States of America, on terms of equality with them, immigrating to and permanently residing in this State; all persons naturalized by the Constitution and laws of the Confederate States of America and of this State, and permanently residing therein, (Indians not taxed, negroes and their descendants excepted,) shall be citizens of the State of Texas."]

["SEC. 2. All free male citizens of this State, as defined in the preceding section, over the age of twenty-one years, who shall have resided in this State one year next preceding an election, and the last six months in the district, county, city or town in which they offer to vote, shall be deemed qualified electors; and should any such qualified elector happen to be in any other county, situated in the district in which he resides at the time of an election, he shall be permitted to vote for any district officer; and qualified electors shall be permitted to vote anywhere in the State for State officers; provided, that no soldier, seaman or marine in the regular army or navy of the Confederate States of America, shall be entitled to vote at any election created by this Constitution."]

SEC. 3. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 4. The Legislative powers of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives, and both together, the "Legislature of the State of Texas." The style of all laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of the general election; and the sessions of the Legislature shall be biennial, at such times as shall be prescribed by law.

["SEC. 6. No person shall be a Representative unless he be a citizen of this State, and shall have been an inhabitant of this State two years next preceeding his election, and the last year thereof a resident of the district, county, city or town for which he shall be chosen, and shall have attained the age of 21 years at the time of his election."]

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

SEC. 8. The Senators shall be chosen by the qualified electors for the term of four years; and shall be divided by lot into two classes as nearly equal as can be. The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class at the expiration of four years; so that one-half thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional Senators shall be observed, as well as nearly as possible preserve an equality of number in each class.

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

["SEC. 11. No person shall be a Senator unless he be a citizen of this State, and shall have been an inhabitant of this State three years next preceeding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of thirty years."]

SEC. 12. The House of Representatives, when assembled, shall elect a Speaker and its other officers, and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the qualifications and elections of its own members, but contested elections shall be determined in such manner as shall be directed by law: two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

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

SEC. 14. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall, at the desire of any three members present, be entered on the journals.

SEC. 15. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies.

SEC. 16. Senators and Representatives shall, in all cases, except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty miles, such member may reside from the place at which the Legislature is convened.

SEC. 17. Each House, may punish by imprisonment during the session, any person not a member, for disrespectful or disorderly conduct, in its presence, or for obstructing any of its proceedings; providing, such imprisonment shall not at any one time exceed forty-eight hours.

SEC. 18. The doors of each House shall be kept open.

SEC. 19. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place that in which they may be sitting without the concurrence than of both Houses.

SEC. 20. Bills may originate in either house, and be amended, altered, or rejected by the other; but no bill shall have the force of a law until, on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency, four-fifths of the House in which the bill shall be pending, may deem it expedient to dispense with this rule; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

SEC. 21. All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 22. After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session.

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

SEC. 24. No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State, which shall have been created, or the emoluments of which may have been increased during such term; and no member of either House of the Legislature shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part, by either branch of the Legislature; nor shall the members thereof be capable of voting for a member of their own body, for any office whatever, except it be in such cases as are herein provided. The President for the time being of the Senate, and speaker of the House of Representatives, shall be elected from their respective bodies.

["SEC. 25. No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding lucrative office under the Confederate States of America, or this State, or any foreign government, shall be eligible to the Legislature; nor shall any person, at the same time, hold or exercise any two offices, agencies or appointments of trust or profit under this State; provided that offices of the militia, to which there is attached no annual salary, and the office of Justice of the Peace shall not be deemed lucrative."]

SEC. 26. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been entrusted.

SEC. 27. 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 Legislature.

SEC. 28. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 29. The Legislature shall, at their first meeting, and in the year one thousand eight hundred and forty-eight and fifty, and every eight years thereafter, cause an enumeration to be made of all the free inhabitants (Indians not taxed, Africans and descendants of Africans excepted) of the State, designating particularly the number of qualified electors; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, cities or towns, according to the number of free population in each; and shall not be less than forty-five, nor more than ninety.

"[Sections 30 and 32, being obsolete, are omitted.]"

SEC. 31. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen, nor more than thirty-three.

SEC. 32. The first session of the Legislature, after the adoption of this Constitution of the Congress of the United States, shall be held at the city of Austin, the present seat of government, and thereafter, until the year one thousand eight hundred and fifty; after which period the seat of government shall be permanently located by the people.

[This Constitution of 1845 was never "adopted" by the United States Congress; but Congress passed an act admitting Texas into the Union, on the 29th December, 1845.]

SEC. 34. The members of the Legislature shall, at their first session, receive from the Treasury of the State, as their compensation, three dollars for each day they shall be in attendance on, and three dollars for every twenty-five miles traveling to and from the place of convening the Legislature.

SEC. 35. In order to settle permanently the seat of government, an election shall be holden throughout the State, at the usual places of holding elections, on the first Monday in March, one thousand eight hundred and fifty, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government. The returns of said election to be transmitted to the Governor by the first Monday in June; if either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government until the year one thousand eight hundred and seventy, unless the State shall sooner be divided. But in case neither place voted for shall have the majority of the whole number of votes given in, then the Governor shall issue his proclamation for an election to be holden in the same manner, on the first Monday in October, one thousand eight hundred and fifty, between the two places having the highest number of votes at the first election. The election shall be conducted in the same manner as the first, and the returns made to the Governor, and the place having the highest number of votes shall be the seat of Government for the time herein before provided.

#### ARTICLE IV.

#### JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts as the Legislature may from time to time ordain and establish; and such jurisdiction may be vested in corporation courts as may be deemed necessary, and be directed by law.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associates, any two of whom shall form a quorum.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the limits of the State; but in criminal cases, and in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature shall make. And the Supreme Court and Judges thereof shall have power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, may issue writs of mandamus, and such other writs as shall be necessary to enforce its own jurisdiction, and also compel a Judge of the District Court to proceed to trial and judgment in a cause. And the Supreme Court shall hold its sessions once every year, between the months of October and June inclusive, at not more than three places in the State.

SEC. 4. The Supreme Court shall appoint its own clerks, who shall hold their offices for four years, and be subject to removal by the said court for neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

SEC. 5. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts, and they shall hold their offices for six years.

[The two following amendments were made to the Constitution on the 16th January, 1850:

SEC. 1. The Judges of the Supreme Court, Judges of the District Courts, Attorney General, District Attorneys, Comptroller of Public Accounts, Treasurer of the State, and the Commissioner of the General Land Office, shall, at the expiration of their respective terms of office, or in case a vacancy may occur in either of them, by death, resignation, or otherwise, after this amendment takes effect, and thereafter, be elected by the qualified electors of the State, in the manner prescribed by law.

SEC. 2. That the election for District Judges and District Attorneys shall be confined to their respective districts.]

SEC. 6. The state shall be divided into convenient judicial districts. For each district, there shall be elected a Judge who shall reside in the same, and hold the courts at one place in each county, and at least twice in each year, in such manner as may be prescribed by law.

SEC. 7. The Judges of the Supreme Court shall receive a salary not less than two thousand dollars annually, and the Judges of the District Court a salary not less than seventeen hundred and fifty dollars annually; and the salaries of the Judges shall not be increased or diminished during their continuance in office.

[By a law of 1856, the Supreme Judges receive \$3,000, and the District Judges \$2,250 annually.]

SEC. 8. The Judges of the Supreme and District Courts, shall be removed by the Governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or other reasonable cause which shall not be sufficient ground for impeachment; provided however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes, shall be notified to the Judge so intended to be removed; and he shall be admitted to a hearing in his own defence before any vote for such address shall pass: And in all such cases, the vote shall be taken by yeas and nays and entered on the journals of each House respectively.

SEC. 9. All Judges of the Supreme and District Courts, shall by virtue of their offices be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 10. The District Court shall have original jurisdiction of all criminal cases; of all suits in behalf of the State to recover penalties, forfeitures, and escheats, and of all cases of divorce; and of all suits, complaints, and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest; and the said courts, or the Judges thereof, shall have power to issue all writs, necessary to enforce their own jurisdiction and to give them a general superintendence and control over inferior jurisdictions. And in the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine imposed; except in capital cases, and where the punishment or fine imposed, shall be specifically imposed by law.

SEC. 11. There shall be a Clerk of the District Court for each county, who shall be elected by the qualified voters for members of the Legislature, and who shall hold his office for four years, subject to removal by information, or by presentment of a grand jury and conviction by a petit jury. In case of vacancy, the Judge of the district shall have the power to appoint a Clerk, until a regular election can be held.

SEC. 12. The Governor shall nominate, and by and with the advice and consent of two-thirds of the Senate, appoint an Attorney-General, who shall hold his office for two years, and there shall be elected by joint vote of both Houses of the Legislature a District Attorney for each district, who shall hold his office for two years; and the duties, salaries and perquisites of the Attorney General and District Attorneys shall be prescribed by law.

["By the amendment made to the Constitution in 1850, the Attorney General and District Attorneys are elected by the people."]

SEC. 13. 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 the Legislature may direct. Justices of the Peace, Sheriffs and Coroners, shall be commissioned by the Governor. The Sheriff shall not be eligible more than four years in every six.

SEC. 14. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Supreme Court or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said Judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases. When the Judges of the District Court are thus disqualified, the parties may, by consent, appoint a proper person to try the said case; and the Judges of the said courts may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law. The disqualification of Judges of inferior tribunals, shall be remedied as may hereafter be by law prescribed.

SEC. 15. Inferior tribunals shall be established in each county for appointing guardians, granting letters testamentary and of administration; for settling the accounts of executors, administrators, and guardians, and for the transaction of business appertaining to estates; and the District Courts shall have original and appellate jurisdiction, and general control over the said inferior tribunals, and original jurisdiction and control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law.

SEC. 16. In the trial of all causes in equity in the District Court, the plaintiff or defendant, shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed in trials at law.

SEC. 17. Justices of the Peace shall have such civil and criminal jurisdiction as shall be provided by law.

SEC. 18. In all causes arising out of a contract, before any inferior judicial tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 19. In all cases where Justices of the Peace, or other judicial officers of inferior tribunals, shall have jurisdiction in the trial of causes, where the penalty for the violation of a law is fine or imprisonment (except in cases of contempt) the accused shall have the right of trial by jury.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in the Chief Magistrate, who shall be styled the Governor of the State of Texas.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the time and places of elections for members of the Legislature.

SEC. 3. The returns of every election for Governor, until otherwise provided by law, shall be made out, sealed up, and transmitted to the Seat of Government, and directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; the person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

["SEC. 4. The Governor shall hold his office for the term of two years from the regular time of installation, and until his successor shall be duly qualified; he shall not be eligible for more than four years in any term of six years; he shall be at least thirty years of age, shall be a citizen of the State of Texas, and shall have resided in the same three years immediately preceding his election."]

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished, during the term for which he shall have been elected. The first Governor shall receive an annual salary of two thousand dollars and no more.

[By a law of 1855, the salary of the Governor is fixed at \$3,000 per annum.]

["SEC. 6. The Governor shall be Commander-in-Chief of the Army and Navy of this State, and of the Militia, except when they shall be called into the service of the Confederate States of America."]

SEC. 7. He may require information in writing from the officers of the Executive Department, on any subject relating to the duties of their respective offices.

SEC. 8. He may by proclamation on extraordinary occasions convene the Legislature at the Seat of Government, or at a different place, if that should be in the actual possession of a public enemy. In case of disagreement between the two Houses, with respect to adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next regular meeting of the Legislature.

SEC. 9. He shall from time to time give to the Legislature information, in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except in those of treason and impeachment, he shall have power, after conviction, to grant reprieves and pardons; and, under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons, and he may, in the recess of the Senate, respite the sentence, until the end of the next session of the Legislature.

["SEC. 12. There shall also be a Lieutenant-Governor, who shall be chosen at every election for Governor, by the same persons and in the same manner, and who shall continue in office for the same time, and possess the same qualifications. In voting for Governor and Lieutenant-Governor, the electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant-Governor. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and have, when in committee of the whole, a right to debate and vote on all questions, and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, and shall be styled Governor of the State of Texas, until another be chosen at the periodical election, and be duly qualified; or until the Governor impeached, absent or disabled, shall be acquitted, return, or his disability be removed. The Governor and Lieutenant-Governor shall hereafter be installed into office on the first Thursday after the first Monday of November, A. D. 1861, and on the same day every two years thereafter."]

SEC. 13. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being. And if, during the vacancy of the office of the Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached, or absent from the State, the President of the Senate for the time being, shall in like manner administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives; and no more, and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President for the time being of the Senate shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received, had he been employed in the duties of his office. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

SEC. 14. There shall be a seal of the State, which shall be kept by the Governor and used by him officially. The said seal shall be a star of five points, encircled by an olive and live oak branches, and the words "The State of Texas."

SEC. 15. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State Seal, signed by the Governor and attested by the Secretary of State.

SEC. 16. There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers, relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 17. Every bill which shall have passed both Houses of the Legislature shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated who shall enter the objections at large upon the journals and proceed to reconsider it; if, after such reconsideration, two-thirds of the members present, of that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of members voting for or against the bill, shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it. Every bill presented to the Governor one day previous to the adjournment of the Legislature, and not returned to the House in which it originated before its adjournment, shall become a law, and have the same force and effect as if signed by the Governor.

SEC. 18. Every order, resolution or vote, to which the concurrence of both Houses of Legislature may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him; or being disapproved, shall be re-passed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 19. The Governor, by and with the advice and consent of two-thirds of the Senate, shall appoint a convenient number of Notaries Public, not exceeding six for each county, who in addition to such duties as are prescribed by law, shall discharge such other duties as the Legislature may from time to time prescribe.

SEC. 20. Nominations to fill vacancies that may have occurred during the recess, shall be made to the Senate during the first ten days of its session. And should any nomination so made be rejected, the same individual shall not again be nominated during session to fill the same office. And should the Governor fail to make nominations to fill any vacancy during the session of the Senate, such vacancy shall not be filled by the Governor until the next meeting of the Senate.

SEC. 21. The Governor shall reside during the session of the Legislature, at the place where the sessions may be held, and at all other times whenever, in their opinion, the public good may require.

SEC. 22. No person holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 23. A State Treasurer and Comptroller of public accounts shall be biennially elected, by the joint ballot of both Houses of the Legislature, and in case of vacancy in either of said offices, during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next session of the Legislature thereafter.

[By the amendment made to the Constitution in 1850, the State Treasurer and Comptroller are elected by the people.]

## ARTICLE VI.

### MILITIA.

["SECTION 1. The Legislature shall provide by law for organizing and disciplining the Militia of this State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the "Confederate States of America," in relation thereto."]

SEC. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. No licensed Minister of the Gospel shall be required to perform military duty, work on roads, or serve on juries in this State.

SEC. 4. The Governor shall have power to call forth the Militia to execute the laws of the State, to suppress insurrections and to repel invasions.

## ARTICLE VII.

### GENERAL PROVISIONS.

["SECTION 1. Members of the Legislature, and all officers of the State of Texas, before they enter upon the duties of their offices, shall take the following oath or affirmation:

I, (A. B) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent on me as -----, according to the best of my skill and ability, agreeably to the Constitution and laws of the State of Texas, and also to the Constitution and laws of the Confederate States of America, so long as the State of Texas shall remain a member of that Confederacy. And I do further solemnly swear (or affirm) that since the second day of March, A. D., 1861, I, being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it; nor have I sent or accepted a challenge to fight a duel with deadly weapons; nor have I acted as second in carrying a challenge; or aided, advised or assisted any person thus offending--so help me God."]

SEC. 2. Treason against this State shall consist only in levying war against it, or in adhering to its enemies--giving them aid and comfort; and no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. Every person shall be disqualified from holding any office of trust or profit in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 4. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

["SEC. 5. Any citizen of this State, who shall, after the 2d day of March. A. D. 1861, fight a duel with deadly weapons, either within the State or out of it; or who shall act as second or knowing aid and assist, in any manner, those thus offending, shall be deprived of holding any office of trust or profit under this State."]

SEC. 6. In all elections by the people, the vote shall be by ballot until the Legislature shall otherwise direct; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

SEC. 7. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution, and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed, or contract entered into for the performance of the same; nor grant, by appropriation of otherwise, any amount of money out of the Treasury of the State, to any individual on a claim, real or pretended, where the same shall not have been provided for by preexisting law:

SEC. 8. No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriation for private or individual purposes, or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both House of the Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law. And in no case shall the Legislature have the power to issue "Treasury Warrants," "Treasury Notes," or paper of any description intended to circulate as money.

SEC. 9. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein, as may be required by law.

SEC. 10. The duration of all offices not fixed by this Constitution, shall never exceed four years.

["SEC. 11. Absence on the business of this State, or the "Confederate States of America," shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution."]

SEC. 12. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

["SEC. 13. No member of Congress, or person holding or exercising any office of profit or trust under the "Confederate States of America," or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit or trust under this State."]

SEC. 14. The Legislature shall provide for a change of venue in civil and criminal cases; and for the erection of a Penitentiary at as early a day as practicable.

SEC. 15. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

["SEC. 16. Within three years after the 2d day of March, A. D., 1861, the laws, civil and criminal, shall be revised, digested, arranged and published, in such manner as the Legislature shall direct; and a like revision, digest and publication shall be made every ten years thereafter."]

SEC. 17. No lottery shall be authorized by this State; and the buying or selling of lottery tickets within this State is prohibited.

SEC. 18. No divorce shall be granted by the Legislature.

SEC. 19. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property, as that held in common with her husband. Laws shall also be passed providing for the registration of the wife, separate property.

SEC. 20. The rights of property and of action which have been acquired under the Constitution and laws of the Republic of Texas shall not be divested; nor shall any rights or actions, which have been divested, barred, or declared null and void, by the Constitution and laws of the Republic of Texas, be re-invested, revived or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution.

SEC. 21. All claims, locations, surveys, grants and titles to land, which are declared null and void by the Constitution of the Republic of Texas, are, and the same shall remain, forever null and void.

SEC. 22. The Legislature shall have power to protect by law from forced sale a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a town or city;) or any town or city lot or lots, in value not to exceed two thousand dollars, shall not be subject to forced sale, for any debts hereafter constructed; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, in such manner as the Legislature may hereafter point out.

SEC. 23. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices, until their successors shall be duly qualified.

SEC. 24. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 25. No law shall be revised or amended by reference to its title; but in such case the act revised, or section amended, shall be re-enacted and published at length.

SEC. 26. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace.

SEC. 27. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, except each property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to lay an income tax, and to tax all persons pursuing any occupation, trade or profession: Provided, that the term occupation, shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 28. The Legislature shall have power to provide by law for exempting from taxation two hundred and fifty dollars= worth of the household furniture, or other property, belonging to each family in this State.

SEC. 29. The Assessor and Collector of taxes, shall be appointed in such manner, and under such regulations, as the Legislature may direct.

SEC. 30. No corporate body shall hereafter be created, renewed or extended, with banking or discounting privileges.

SEC. 31. No private corporation shall be created, unless the bill creating it shall be passed by two-thirds of both Houses of the Legislature; and two-thirds of the Legislature shall have power to revoke and repeal all private corporations, by making compensation for the franchise. And the State shall not be part owner of the stock, or property, belonging to any corporation.

SEC. 32. The Legislature shall prohibit by law individuals from issuing bills, checks, promissory notes, or other paper, to circulate as money.

["SEC. 33. The aggregate amount of debts hereafter contracted by the Legislature shall not exceed the sum of five hundred thousand dollars, (\$500,000) (except in case of war, to repel invasion or suppress insurrection,) unless under the following restrictions: that whenever a debt shall be contracted exceeding that amount, the law authorizing the same shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. On the final passage of such law, in either House of the Legislature, the question shall be taken by yeas and nays, and be duly entered on the journals thereof. If no debt shall have been contracted in pursuance of such law, the Legislature may repeal the same; or if a portion of the debt authorized shall have been contracted, the Legislature may, at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such an act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected until the proceeds thereof shall have made full provision to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability, shall be applied to the object or objects specified in the act authorizing such debt or liability, or to the re-payment of the same, and for no other purpose whatever. No part of the specific tax authorized by this section shall be appropriated or act apart for any other purpose whatever, but exclusively to the payment of the interest and principal of such debt."]

SEC. 34. The Legislature shall, at the first session thereof, and may, at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties. Provided, that no new county shall be established, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, (except the county of Bowie,) unless by consent of two-thirds of the Legislature, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

SEC. 35. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner, nor in time of war, but in a manner prescribed by law.

SEC. 36. The salaries of the Governor, and Judges of the Supreme and District Courts, are hereby fixed at the minimum established in the Constitution, and shall not be increased for ten years.

["SEC. 37. The Legislature, by a vote of two-thirds of all the members of each House, shall have the power to call a Convention of the people for the purpose of altering, reforming, or amending the Constitution. The Legislature, at any regular biennial session, by a vote of two-thirds of each House, may propose amendments to the Constitution, which proposed amendments shall be duly published in the public prints of the State, at least three months before the next general election thereafter for Representatives to the Legislature, for the consideration of the people, and it shall be the duty of the several returning officers at said general election, to open a poll for, and make a return to the Secretary of State of, the number of votes cast at said election, for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them, and if it shall appear from said return that a majority of the votes cast upon said proposed amendment or amendments have been cast in favor of the same, and two-thirds of each branch of the Legislature, at the next regular session thereafter, shall ratify said proposed amendment or amendments, so voted upon by the people, the same shall be valid to all intents and purposes, as parts of the Constitution of the State of Texas; provided, that the said proposed amendments shall, at each of said sessions, have been read on three several days in each House of the Legislature, and the vote thereon shall have been taken by yeas and nays. And provided, further, that the rule in the above proviso shall never be suspended by either of said Houses."]

## ARTICLE VIII.

### SLAVES.

["SECTION 1. The Legislature shall have no power to pass laws for the emancipation of slaves."]

["SEC. 2. No citizen, or other person residing in this State, shall have power by deed, or will, to take effect in this State, or out of it, in any manner whatsoever, directly or indirectly, to emancipate his slave or slaves."]

["SEC. 3. The Legislature shall have no power to pass any law to prevent immigrants to this State, from bringing with them such persons of the negro race as are deemed slaves by the laws of any of the Confederate States of America; provided, that slaves who have committed any felony may be excluded from this State."]

["SEC. 4. In the prosecution of slaves for crimes of a higher grade than petit larceny, the Legislature shall have no power to deprive them of a trial by jury, except in cases arising under the laws concerning insurrection of slaves."]

["SEC. 5. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on the like proof; except when such slave has committed, or attempted to commit, a rape on a white female, or in case of insurrection of such slave."]

["SEC. 6. The Legislature shall have power to pass laws which will oblige the owners of slaves to treat them with humanity."]

## ARTICLE IX.

### IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

SEC. 2. Impeachment of the Governor, Lieutenant-Governor, Attorney-General, Secretary of State, Treasurer, Comptroller, and of the Judges of District Courts, shall be tried by the Senate.

SEC. 3. Impeachments of Judges of the Supreme Court shall be tried by the Senate. When sitting as a court of impeachment, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit, under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The Legislature shall provide for the trial, punishment, and removal from office, all other officers of the State, by indictment or otherwise.

## ARTICLE X.

### EDUCATION.

SECTION 1. A general diffusion of knowledge being essential to the preservation of the rights and liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

SEC. 2. The Legislature shall, as early as practicable, establish free schools throughout the State, and shall furnish means for their support, by taxation on property: And it shall be the duty of the Legislature to set apart not less than one-tenth of the annual revenue of the State derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools, and no law shall ever be made diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools in the several Districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

SEC. 3. All public lands which have been heretofore, or which may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years, in such manner as the Legislature may direct.

SEC. 4. The several counties in this State which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas to other counties.

## ARTICLE XI.

SECTION 1. All certificates for head-right claims to land, issued to fictitious persons or which were forged, and all locations and surveys thereon, are, and the same were, null and void from the beginning.

SEC. 2. The District Courts shall be opened until the first day of July, one thousand eight hundred and forty-seven, for the establishment of certificates for head-rights, not recommended by the Commissioners appointed under the act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants; and the parties suing shall produce the like proof, and be subjected to the requisitions which were necessary, and were prescribed by law to sustain the original application for the said certificates, and all certificates above referred to, not established or sued upon before the period limited, shall be barred, and the said certificates; and all locations and surveys thereon, shall be forever null and void; and all re-locations made on such surveys shall not be disturbed until the certificates are established as above directed.

## ARTICLE XII.

### LAND-OFFICE.

SECTION 1. There shall be one general Land-Office in the State, which shall be at the seat of government, where all titles which have heretofore emanated, or may hereafter emanate from Government, shall be registered; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

## ARTICLE XIII.

### SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of separate national Government to a State Government, it is declared, that all process which shall be issued in the name of the Republic of Texas prior to the organization of the State Government under this Constitution, shall be as valid as if issued in the name of the State of Texas.

SEC. 2. The validity of all bonds and recognizances, executed in conformity with the Constitution and laws of the Republic of Texas, shall not be impaired by the change of government, but may be sued for and recovered, in the name of the Governor of the State of Texas; and all criminal prosecutions, or penal actions, which shall have arisen, prior to the organization of the State government under this Constitution, in any of the Courts of the Republic of Texas, shall be prosecuted to judgment and execution in the name of said State. All suits at law and equity which may be depending in any of the Courts of the Republic of Texas, prior to the organization of the State government under this Constitution, shall be transferred to the proper court of the State, which shall have jurisdiction of the subject-matter thereof.

[SEC. 3. All laws and parts of laws now in force in the State of Texas, which are not repugnant to the Constitution of the Confederate States of America, or the Constitution of this State, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature.]

SEC. 4. All fines, penalties, forfeitures and escheats, which have accrued to the Republic of Texas under the Constitution and laws, shall accrue to the State of Texas; and the Legislature shall, by law, provide a method for determining what lands may have been forfeited or escheated.

[Sections 5, 6, 7, 8 and 11, relate entirely to the change from the "Republic" to the "State," of Texas, in 1845-6, and being obsolete, are omitted.]

SEC. 9. It shall be the duty of the President of Texas, immediately after the inauguration of the Governor to deliver to him all records, public money, documents, archives and public property, of every description whatsoever, tinder the control of the executive branch of the government; and the Governor shall dispose of the same in such manner as the Legislature may direct.

SEC. 10. That no inconvenience may result from the change of government, it is declared that the laws of this Republic relative to the duties of officers, both civil and military, of the same, shall remain in full force, and the duties of their several offices shall be performed in conformity with the existing laws, until the organization of the government of the State, under this Constitution, or until the first day of the meeting of the Legislature: That then the offices of President, Vice-President, of the President's Cabinet, Foreign Ministers, Charges and agents and others, repugnant to this Constitution, shall be superseded by the same; and that all others shall be holden and exercised until they expire by their own limitation, or be superseded by the authority Constitution or laws made in pursuance thereof.

SEC. 12. The first general election for Governor, Lieutenant-Governor, and members of the Legislature, after the organization of the government, shall take place on the first Monday in November, one thousand eight hundred and forty-seven, and shall be held biennially thereafter, on the first Monday in November, until otherwise provided by the Legislature, And the Governor nd Lieutenant-Governor, elected in December next, shall hold their offices until the installation in office of the Governor and Lieutenant-Governor to be, elected in the year one thousand eight hundred and forty-seven.

[Section 13 is repealed by the secession of Texas.]

Done in Convention, by the Deputies of the people of Texas, at the City of Austin, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and forty-five.

In testimony whereof, we have hereunto subscribed our names.

THO. J. RUSK, President.

JAMES H. RAYMOND, Secretary.

SPECIAL RESOLUTIONS.

1. Resolved, As the sense of this Convention, that the people of Texas fully appreciate the patriotism of those officers of the United States army, whether stationed in or citizens of this State, who have resigned their commissions and cast their fortunes with the Confederate States; and that their appointment to positions of equal or higher grade, in the Confederate States army, would meet with the cordial approval of this State.
2. Resolved, That we cherish feelings of approval and pride towards the cadets of West Point, from this State, who have resigned and returned home to serve their State; and respectfully recommend their appointment to appropriate positions in the army of the Confederate States.

Resolved, That this Convention has heard with profound satisfaction of the election of Jefferson Davis, of Mississippi, and Alexander H. Stephens, of Georgia, to the offices of President and Vice-President of the Provisional Government of the Confederate States of America; and that in their well-known ability, experience, and patriotism, the country possesses ample guaranties that the high and important functions confided to them, will be so administered in these times of peril as to redound to the safety, security, and best interests of the people.

Resolved, That a committee of three be appointed by the President of this Convention, to prepare a brief exposition of its proceedings, with reasons therefor, as an Address to the People, for general information; that 10,000 copies be published for circulation by members of the Convention; that the permanent Constitution of the "Confederate States of America" be published as part of such address and that one-fifth of the whole be in the German and Spanish languages, half in each language.

[Messrs. Pryor Lea, of Goliad, John Henry Brown, of Bell, and John D. Stell, of Leon, were appointed said committee.]

Resolved, That the chairman, (John Henry Brown,) of the committee on Printing be and he is hereby authorized to remain in Austin, after the adjournment of the Convention, to supervise and arrange the printing of such matter as has been ordered for this body; Provided, that his per diem pay shall cease within ten days from the period of adjournment.

# The Reconstruction Acts

## RECONSTRUCTION ACT OF THIRTY-NINTH CONGRESS

### An Act to provide for the more efficient government of the rebel states.

*Whereas* no legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore

*Be it enacted, &c.*, That said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

Sec. 2. That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

Sec. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

Sec. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

Sec. 5. That when the people of any one of said rebel States shall have formed a constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed

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by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-Ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

Sec. 6. That until the people of said rebel states shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

### SUPPLEMENTARY RECONSTRUCTION ACT OF FORTIETH CONGRESS

**An Act supplementary to an act entitled "An act to provide for the more efficient government of the rebel states," passed March second, eighteen hundred and sixty-seven, and to facilitate restoration.**

Be it enacted, &c., That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An Act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, \_\_\_\_\_, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of \_\_\_\_\_; that I have resided in said State for \_\_\_\_\_ months next preceding this day, and now reside in the county of \_\_\_\_\_, or the parish of \_\_\_\_\_, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for

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participation in any rebellion or civil war against the United States, nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer.

Sec. 2. That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such state loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

Sec. 3. That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The person appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided*, That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

Sec. 4. That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes

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cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according to the provisions of this act and the act to which is it supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

Sec. 5. That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, (at least one half of all the registered voters voting upon the question of such ratification,) the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.

Sec. 6. That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office:" *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

Sec. 7. That all expenses incurred by the several commanding generals, or by virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

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Sec. 8. That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

Sec. 9. That the word article, in the sixth section of the act to which this is supplementary, shall be construed to mean section.

### SUPPLEMENTARY RECONSTRUCTION ACT OF JULY 19, 1867

**An Act supplementary to an act entitled "An Act to provide for the more efficient government of the rebel states," passed on the second day of March, 1867, and the act supplementary thereto, passed on the 23d day of March, 1867.**

*Be it enacted, &c.*, That it is hereby declared to have been the true intent and meaning of the act of the 2d day of March, 1867, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the 23d day of March, 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

Sec. 2. That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

Sec. 3. That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

Sec. 4. That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, That any person heretofore or hereafter appointed by any

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district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office, as aforesaid, all persons who are disloyal to the Government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

Sec. 5. That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration," passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color.

Sec. 6. That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

Sec. 7. That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting.

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Sec. 8. That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

Sec. 9. That all members of said boards of registration, and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

Sec. 10. That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

Sec. 11. That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

### AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868

**An Act to amend the act passed March 23, 1867, entitled "An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration."**

*Be it enacted, &c.,* That hereafter any election authorized by the act passed March 23, 1867, entitled "An Act supplementary to 'An act to provide for the more efficient government of the rebel states,' passed March 2, 1867, and to facilitate their restoration," shall be decided by a majority of the votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe.

Sec. 2. That the constitutional convention of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution, the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers, who shall make the returns of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress.