THE STATE CONSTITUTION OF TEXAS. PREAMBLE Humbly invoking the blessing of Almighty God, the people of the State of Texas 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 recognized and established, we declare- SECTION 1. Texas is a free and independent State, subject only to the Constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government unimpaired to all the States. SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform, or abolish their government in such manner as they may think expedient. SEC. 3. All free men 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. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided the acknowledge the existence of a Supreme Being. SEC. 5. No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury. SEC. 6 . All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. 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. But it shall be the duty of the Legislature to pass such laws as may be needed to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship. SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes. SEC. 8. Every person 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. In prosecutions for the publication of papers investigating the conduct of office rs or me n in 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. SEC. 9. The people shall be secure in their persons, houses, papers, and possessions from all unreasonable seizures or searches; a nd 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. SEC . 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him and to have a copy thereof. 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 witnes ses in his favor. And no person shall be held to answer for a criminal offence, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger. SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent the grant of the writ of habeas corpus. The writ of habeas corpus is a writ of right, and shall never be suspended. The length and conditions of such bail shall be prescribed by law. SEC. 12. The writ of habeas corpus is a writ of right, and shall never be suspended. The length and conditions of such bail shall be prescribed by law. SEC. 13 . 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 do ne him in his lands, goods, person, or reputation, shall have remedy by due course of law. SEC. 14. No person, for the same offence, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offence after a verdict of not guilty in a court of competent jurisdiction. SEC. 15. The right of trial by jury shall remain inviolate. The legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. SEC. 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made. SEC. 17. No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured, by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the legislature or created under its authority shall be subject to the control thereof. SEC. 18. No person shall ever be imprisoned for debt. SEC. 19. No citizen o f this State shall be deprived of life, liberty, property, privileges, or immunities, or in any manner disfranchised, except by the due course of the law of the land. SEC. 20. No citizen shall be outlawed; nor shall any person be transported out of the State for any offence committed within the same. SEC. 21. No conviction shall work corruption of blood or forfeiture of estate; and the estates of those who d estroy their own lives shall descend or vest as in case of natural death. SEC. 22. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court. SEC. 23. Every citizen shall have the right to keep and b ear arms in the lawful defense of himself or the State; but the legislature shall have power by law to regulate the wearing of arms with a view to prevent crime. SEC. 24. The military shall be subordinate to the civil authority. SEC. 25. No soldier shall, in time of peace, be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law. SEC. 26. 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. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the power of government for redress of grievances or othe r purposes by petition, address, or remonstrance. SEC. 28. No power of suspending laws in this State shall be exercised except by the legislature. SEC. 29. 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 forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void. ARTICLE II THE POWERS OF GOVERNMENT SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments each of which shall 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 these 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. The legislative power of this State shall be vested in a senate and house of representatives, which together shall be styled "The Legislature of the State of Texas." SEC. 2. The e senate shall consist of thirty-one members, and shall never be increased above this number. The house of representatives shall consist of ninety-three members until the first apportionment after the adoption of this constitution, when fifteen shall be added to the number of representatives and the legislature shall apportion the ratio of representation among the inhabitants: Provided, The number of representatives shall never exceed one hundred and fifty. SEC. 3. The senators shall be elected by the qualified voters of the districts for four years, except those elected at the first election, who shall be elected for two years; and one-half of the senators shall be chosen biennially thereafter. SEC. 4. 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 their election. SEC. 5. The legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the governor. SEC. 6. No person shall be a senator unless he be a citizen of the United States, and at the time of his election a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years. SEC. 7. No person shall be a representative unless he be a citizen of the United States and at the time of his election a qualified elector of this State, and shall have been a resident of this State two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years. SEC. 8. Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such a manner as shall be provided by law. SEC. 9. The senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the lieutenant-governor when the office of lieutenant-governor shall be vacant. The house of representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members; each house shall choose its other officers. SEC. 10. 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, in such manner and under such penalties as each house may prescribe. SEC. 11. Each house shall keep a journal of its 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. 13. When vacancies occur in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies; and should the governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning-officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose. SEC. 14. Senators and representatives shall, except in cases of 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. 15. Each house may punish, by imprisonment, during its sessions, 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 be for a longer time than three days, nor to any other place than that where the legislature may be sitting. SEC. 16. No senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, 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; nor shall any member of the legislature, or any member of either house, 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; and no member shall be eligible to any office under the State, the emoluments of which may be filled by a vote of the members thereof, during the term for which he shall have been elected. SEC. 17. No member shall be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration of his term. SEC. 18. No judge of any court, secretary of state, attorney-general, clerk of any court of record, or any person holding a lucrative office under the United States or this State, or a foreign government, shall, during the term for which he is elected or appointed, be eligible to the legislature. SEC. 19. No judge of any court, secretary of state, attorney-general, clerk of any court of record, or any person holding a lucrative office under the United States or this State, or a foreign government, shall, during the term for which he is elected or appointed, be eligible to the legislature. SEC. 20. No person who at any time may have been a collector of taxes, or of any other money, or 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, or for all public moneys with which he may have been intrusted. SEC. 21. No member shall be questioned in any other place for words spoken in debate in either house. SEC. 22. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon. SEC. 23. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in section 13 of this article. SEC. 24. The members of the legislature shall receive from the treasury such compensation, not exceeding five dollars per day for the first sixty days, and after that not exceeding two dollars per day for the remainder of the session, and after each session and at such other times as may be required by law, not exceeding five dollars per day for the remainder of the session; except the first session held under this constitution when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water-routes; and the comptroller of the State shall prepare and preserve a table of distances to each county-seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session. SEC. 25. The State shall be divided into senatorial districts of contiguous territory, according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one senator, and no single county shall be entitled to more than one senator. SEC. 26. The members of the house of representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State by the number of representatives of which the house is composed: Provided, That whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation such counties shall be contiguous to each other; and when any county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties. SEC. 27. Elections for senators and representatives shall be general throughout the State, and shall be regulated by law. SEC. 28. The legislature shall, at its first session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the legislature, the State shall be, and it is hereby, divided into senatorial and representative districts as provided by an ordinance of the convention on that subject. SEC 29 The enacting clause of all laws shall be, "Be it enacted by the legislature of the State of Texas." SEC. 30. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose. SEC. 31. Bills may originate in either house, and may be altered or rejected by the other. SEC. 32. No bill shall pass unless by the concurrence of a majority of the entire number of each house, except as herein provided, nor unless upon a vote of which the yeas and nays shall be entered on the journal of each house, and a majority of the entire number of each house be recorded thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four-fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journals. SEC. 33. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills. SEC. 34. After a bill has been considered and defeated by either house of the legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session. SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length. SEC. 37. No bill shall be passed which has not been presented and referred to a committee and reported from, a committee at least three days before the final adjournment of the legislature. SEC. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals. SEC. 39. No law passed by the legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals. SEC. 40. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, or presented to them by the governor; and no such session shall be of longer duration than thirty days. SEC. 41. In all elections by the senate and house of representatives, joint rule, or resolution, the votes of the members of each house shall be taken viva voce, except in the election of their officers. SEC. 42. The legislature shall pass such laws as may be necessary to carry into effect the provisions of this con ntity or separately, the vote shall be given viva voce, except in the election of their officers. SEC 43. The first session of the legislature under this constitution shall provide for the adoption of a system of public schools, and publication may be made every ten years thereafter: Provided, That in the adoption of revising, digesting, and publishing the laws, civil and criminal; and a like revision, dige st, and publication may be made every ten years thereafter: Provided, That in the adoption of and giving effect to any such digest or revision the legislature shall not be limited by sectio ns 35 and 36 of this article. SEC. 44. The legislature shall provide by law for the compensation of all officers, servants, agents, and public contractors not provided for in this constitution , but shall not grant extra compensation to any officer, agent, servant, or public contractor after the same has been performed or contract entered into for the perform ance 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, when the same shall no t have been provided for by pre-existing law; nor employ any one in the name of the State unless authorized by pre-existing law. SEC. 45. The power to change the venue in civil and criminal cases shall be exercised in such manner as shall be provided by law; and the legislature shall pass laws for that purpose. SEC. 46. The legislature shall, at its first session after the adoption of this constitution, enact effective vagrant laws. SEC. 47. The legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises, or other evasions involving the lottery principle, established or existing in other States. SEC. 48. The legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes: The payment of all interest upon the bonded debt of the State; The erection and repairs of public buildings; The benefit of the sinking-fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking-fund is inadequate; The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas; The payment of the cost of assessing and collecting the revenue, and the payment of all officers, agents, and employees of the State government, and all incidental expenses connected therewith; The support of the blind asylum, the deaf and dumb asylum, and the insane asylum, the State cemetery, and the public grounds of the State; The enforcement of quarantine regulations on the coast of Texas; The protection of the frontier. SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars. SEC. 50 The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State in aid of, or to any person, association, or corporation, whether municipal or other; or to pledge the payment of any of the bonds, warrants, securities, or other evidences of indebtedness issued by any individual, municipal or other corporation whatsoever: Provided, however. SEC. 51. The legislature shall no power to make any grant, or authorize the making of any grant, of public money to any individual, association, or corporation whatsoever; or to become a stockholder in such corporation, association, or corporation; nor shall the State be made a party to any such association or corporation; nor shall any money be paid, or any credit extended, to any such association or corporation, nor shall any such association or corporation be allowed to make any contract, or be recognized by any court in this State, except such as may be required to collect money due the State. SEC. 52. The legislature shall have no power to give or to authorize the giving of any compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part; nor pay, nor authorize the payment of any claim, in whole or in part, created by the legislature of this State or any other State or the United States, unless such compensation, fee, or allowance, or claim, or part thereof, was allowed by law at the time the right to the same became complete, or the contract was made, made without authority of law. SEC. 53. The legislature shall not have power to release or extinguish, or to authorize the releasing or extinguishing, in whole or part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any county, except to pay the expense of such release or extinguishment. SEC. 54. The legislature shall have no power to change the venue in any civil or criminal case, or to authorize any person to hold any office in any county or municipal authority to grant, any extra compensation, fee, or allowance to any officer, agent, or contractor in any case where the law authorizing the same has been repealed, or after the term of service has expired, or after the contract has been made, except for services rendered under a contract made prior to the adoption of the present constitution, or for services rendered under laws, ordinances, or orders of a municipal character. SEC. 55. The legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any county, city or town, except such as may be payable to the State, or to such county, city or town, or other political corporation, or subdivision thereof, in the ordinary course of business and commerce; Authorizing the laying out, opening, altering or maintaining of roads, highways, streets, or alleys; Relating to cemeteries, graveyards, or public grounds not used for purposes of revenue; Authorizing the sale or other disposition of the property of corporations now or hereafter dissolved, or whose charters have been forfeited or shall hereafter be forfeited; Authorizing the creation, extension, or impairing of liens; Regulating the affairs of counties, cities, towns, wards, or school districts; Changing the names of persons or places; changing the venue in civil or criminal cases